

**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING**

BERKELEY CITY COUNCIL SPECIAL MEETING

MONDAY, APRIL 29, 2019

2:30 P.M.

2180 Milvia Street, 6th Floor – Redwood Room

Committee Members:

Mayor Jesse Arreguin, Councilmembers Kate Harrison and Susan Wengraf

AGENDA

Roll Call

Public Comment

Review of Agendas

1. **Approval of Minutes: April 15, 2019**
2. **Review and Approve Draft Agendas:**
 - a. 5/14/19 – 6:00 p.m. Regular City Council Meeting
3. **Selection of Item for the Berkeley Considers Online Engagement Portal**
4. **Adjournments In Memory Of**

Scheduling

5. **Council Worksessions Schedule**
6. **Council Referrals to Agenda Committee for Scheduling**
7. **Land Use Calendar**

Referred Items for Review

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

- None

Items for Future Agendas

- Discussion of items to be added to future agendas

Adjournment – Next Meeting Monday, May 13, 2019

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### Additional items may be added to the draft agenda per Council Rules of Procedure.

*Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items*

*Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.*

*The City Clerk shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.*

*The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.*

*This is a meeting of the Berkeley City Council Agenda Committee. Since a quorum of the Berkeley City Council may actually be present to discuss matters with the Council Agenda Committee, this meeting is being noticed as a special meeting of the Berkeley City Council as well as a Council Agenda Committee meeting.*

*Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee prior to the meeting. After the deadline for submission, residents must provide 10 copies of written communications to the City Clerk at the time of the meeting.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, 981-6900.*



#### COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

\* \* \*

I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 25, 2019.

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville, City Clerk

## **Communications**

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA.*



**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE  
SPECIAL MEETING MINUTES**

**BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES**

**MONDAY, APRIL 15, 2019**

**2:30 P.M.**

2180 Milvia Street, 6<sup>th</sup> Floor – Redwood Room

Committee Members:

Mayor Jesse Arreguin, Councilmembers Kate Harrison and Susan Wengraf

**Roll Call:** 2:33 p.m. All present.

**Public Comment:** 0 speakers.

**Review of Agendas**

**1. Approval of Minutes:**

**Action:** M/S/C (Wengraf/Harrison) to approve the Minutes of April 8, 2019.

**Vote:** All Ayes.

**2. Review and Approve Draft Agendas:**

**Action:** M/S/C (Wengraf/Harrison) to approve the agenda of April 30, 2019 with the revisions noted below.

**Vote:** All Ayes.

- *Ceremonial Item – Recognition of the Suitcase Clinic*
- *Ceremonial Item – Recognition of Mental Health Month*
- *Item Added – BHA Appointment (Arreguin)*
- *Item Added – Spiral Gardens Relinquishment (Davila)*

**Policy Committee Track Items**

- *Item 23 Committee Alternate (Arreguin) – scheduled for 4/30/19 Consent Calendar*
- *Item 24 BUSD Allocation (Arreguin) – Councilmembers Hahn, Droste, and Harrison added as co-sponsors; scheduled for 4/30/19 Consent Calendar*
- *Item 25 Affordable Housing for Homeless (Arreguin) – referred to the Land Use, Housing and Economic Development Committee*
- *Item 26 Inclement Weather Shelter (Davila) – Councilmember Hahn added as a co-sponsor; scheduled for the 5/14/19 agenda*
- *Item 27 Prevent Displacement (Davila) - scheduled for 4/30/19 Consent Calendar*
- *Item 28 Good Food Purchasing (Hahn) – revised item submitted; Councilmembers Davila and Robinson added as co-sponsors; scheduled for the 4/30/19 Consent Calendar*
- *Item 29 Pedestrianization (Robinson) – Councilmember Hahn added as a co-sponsor; scheduled for 4/30/19 Consent Calendar*

Order of Action Calendar

- Item 19 Flix Bus
- Item 18 New Marina Fee
- Item 20 ZAB Appeal
- Item 21 Zoning Ordinance
- Item 22 Referral Response

3. **Selection of Item for the Berkeley Considers Online Engagement Portal**
  - No item selected
4. **Adjournments In Memory Of – None**
5. **Management of the Ceremonial Calendar –** discussion held regarding process for proclamations and adjournments in memory

**Scheduling**

6. **Council Worksessions Schedule –** reviewed and approved
7. **Council Referrals to Agenda Committee for Scheduling -** filed
8. **Land Use Calendar -** filed

**Referred Items for Review**

*Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.*

- **None**

**Items for Future Agendas**

- **Discussion of items to be added to future agendas**

**Adjournment**

**Action:** M/S/C (Wengraf/Harrison) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 3:17 p.m.

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I hereby certify that this is a true and correct record of the Agenda and Rules Committee meeting held on April 15, 2019.



Mark Numainville, City Clerk

## DRAFT AGENDA



### BERKELEY CITY COUNCIL MEETING

Tuesday, May 14, 2019

6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
 DISTRICT 2 – CHERYL DAVILA  
 DISTRICT 3 – BEN BARTLETT  
 DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
 DISTRICT 6 – SUSAN WENGRAF  
 DISTRICT 7 – RIGEL ROBINSON  
 DISTRICT 8 – LORI DROSTE

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, 981-6900.*

*The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

### Roll Call:

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

**City Manager Comments:** *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

**Public Comment on Non-Agenda Matters:** *Persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.*

## Consent Calendar

*The Council will first determine whether to move items on the agenda for “Action” or “Information” to the “Consent Calendar”, or move “Consent Calendar” items to “Action.” Items that remain on the “Consent Calendar” are voted on in one motion as a group. “Information” items are not discussed or acted upon at the Council meeting unless they are moved to “Action” or “Consent”.*

*No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to “Action.” Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.*

*For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

**Public Comment on Consent Calendar and Information Items Only:** *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

*Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.*

## Consent Calendar

### 1. **Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code** **From: City Manager**

**Recommendation:** Adopt second reading of Ordinance Nos. 7,645-N.S. and 7,647-N.S. amending the Berkeley Municipal Code (BMC) which would:

1. Clarify cannabis business operational standards and development standards, such as quotas and buffers, for all cannabis business types;
2. Revise ordinance language to reflect State regulations;
3. Create a path to allow a new business type (Retail Nursery Microbusinesses); and
4. Protect youth by restricting cannabis advertising within the city.

The ordinances would adopt BMC Chapter 12.21, amend Chapters 12.22 and 23C.25, and repeal Chapters 12.23, 12.25 and 12.27.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: Timothy Burroughs, Planning and Development, 981-7400



## Consent Calendar

- 2. Adopt an Ordinance Adding Chapter 13.104 to the Berkeley Municipal Code Establishing a Prohibition on Contracting with Vendors Acting as U.S. Immigration and Customs Enforcement (ICE) Data Brokers, or Those Providing Extreme Vetting Services to ICE** *(Reviewed by the Agenda and Rules Committee)*  
**From: Councilmembers Harrison, Davila, and Bartlett**  
**Recommendation:** Adopt second reading of Ordinance No. 7,650-N.S., the Sanctuary Contracting Ordinance, adding Chapter 13.104 to the Berkeley Municipal Code. This ordinance prohibits the award of city contracts to vendors acting as U.S. Immigration and Customs Enforcement data brokers, or those providing extreme vetting services.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, 981-7140
- 3. Amendment: FY 2019 Annual Appropriations Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt first reading of an Ordinance amending the FY 2019 Annual Appropriations Ordinance No. 7,634–N.S. for fiscal year 2019 based upon other adjustments in the amount of \$22,245,702 (gross) and \$19,746,430 (net).  
**Financial Implications:** See report  
Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000
- 4. Authorization to Approve a Contract with Keenan Financial Services to Establish, Maintain and Invest for an IRS Section 115 Trust Fund**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Keenan Financial Services to establish a pension Section 115 trust that includes Keenan Financial Services providing trust administration, trustee/custodian, and investment advisory services for the Trust; and authorizing the City's Plan Administrator to execute the legal and administrative documents on behalf of the City and to take whatever additional actions are necessary to establish a Section 115 trust fund, establish the authority for the management of the Section 115 investments, develop investment policies for the Section 115 trust fund, and Select an initial model investment portfolio, from the choices provided.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, 981-7300

## Consent Calendar

### 5. Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services

**From: City Manager**

**Recommendation:** Adopt five Resolutions authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:

1. Public Health Infrastructure Program in the projected amount of \$32,080 for FY 2020.
2. Foster Care Program in the projected amount of \$93,187 for FY 2020.
3. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$178,778 for FY 2020.
4. School Linked Health Services Program (Measure A Funding) in the projected amount of \$193,175 for FY 2020.
5. Tobacco Prevention Program in the projected amount of \$76,290 for FY 2020.

**Financial Implications:** See report

Contact: Kelly Wallace, Housing and Community Services, 981-5400

### 6. Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Services

**From: City Manager**

**Recommendation:** Adopt seven Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following eleven revenue agreements:

1. Child Health and Disability Prevention (CHDP) Program, which includes Early Periodic Screening, Diagnosis and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC), in the projected amount of \$442,073 for FY 2020.
2. Maternal, Child and Adolescent Health (MCAH) Program, in the projected amount of \$336,000 for FY 2020.
3. Tuberculosis Control Program in the projected amount of \$14,000 for FY 2020.
4. Women, Infants and Children (WIC) in the projected amount of \$525,547 each year for Federal Fiscal Years 2020 through 2022 for a total of \$1,576,641.
5. Nutrition Education & Obesity Prevention (NEOP) Program, in the projected amount of \$161,207 for Federal Fiscal Years 2020 through 2022 for a total amount of \$483,621.
6. HIV/AIDS Surveillance in the projected amount of \$29,088 for Fiscal Years 2020 through 2022 for a total of \$87,264.
7. Sexually Transmitted Diseases (STD) Prevention and Control in the projected amount of \$6,230 each year for FY 2020 through 2022 for a total of \$18,692.

**Financial Implications:** See report

Contact: Kelly Wallace, Housing and Community Services, 981-5400

## Consent Calendar

- 7. Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$124,006 for April 1, 2019 to March 30, 2020.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400
- 8. Purchase Order with Carahsoft Technology Corporation: Using General Services Administration (GSA) Schedule for hardware, software, and services related to the Data Center Infrastructure Upgrade and Disaster Recovery Implementation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to increase spending authority with Carahsoft Technology Corporation for the purchase of server hardware, software, and related services for a data center upgrade and disaster recovery implementation, utilizing pricing established by the General Services Administration (GSA), for a total amount not to exceed \$1,678,953 for the period May 15, 2019 to June 1, 2024.  
**Financial Implications:** Various Funds - \$1,678,953  
Contact: Savita Chaudhary, Information Technology, 981-6500
- 9. Contract No. 10934 Amendment: CBF Electric & Data for Wi-Fi Installation in City Facilities**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 10934 with CBF Electric & Data (CBF) for Wi-Fi installation in City facilities, increasing the contract amount by \$50,015 for a total not-to-exceed amount of \$75,014 from July 2, 2018 to June 30, 2021.  
**Financial Implications:** IT Cost Allocation Fund - \$50,015  
Contact: Savita Chaudhary, Information Technology, 981-6500

## Consent Calendar

- 10. Contract No. 9263B Amendment: SSP Data Products Inc. for Barracuda Backup Solution with Hosted Cloud Storage**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 9263B with SSP Data Products Inc. for the City's Barracuda Backup Solution with hosted cloud storage, increasing the amount by \$54,520, for a total contract amount not to exceed \$300,692 for the term May 15, 2013 through June 30, 2020.  
**Financial Implications:** Cost Allocation Fund - \$54,520  
Contact: Savita Chaudhary, Information Technology, 981-6500
- 11. Contract No. 11012 Amendment: Granicus, Inc. for Video Streaming Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 11012 with Granicus, Inc., to continue providing live video streaming, on-demand archival video, podcasting, and web page subscription services, increasing the contract amount by \$156,966 for a total not-to-exceed amount of \$207,646 from July 1, 2017 to June 30, 2022.  
**Financial Implications:** Various Funds - \$156,966  
Contact: Savita Chaudhary, Information Technology, 981-6500
- 12. Contract No. 10734 Amendment: Towerstream, Inc. for Secondary Internet for Redundancy and Load Balancing**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend the contract with Towerstream, Inc. for redundant secondary internet services, increasing the contract amount by \$133,128 for a total not-to-exceed amount of \$172,000 from October 3, 2017 to June 30, 2022.  
**Financial Implications:** Cost Allocation Fund - \$133,128  
Contact: Savita Chaudhary, Information Technology, 981-6500
- 13. Contract: Revolution Foods for Summer Food Service Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a one (1) year contract and any amendments with Revolution Foods to provide lunches and afternoon snacks to Berkeley youth for the City's Summer Food Service Program for a total amount not to exceed \$90,000, for the period of June 1, 2019 through May 31, 2020, with options to execute up to four (4) additional one-year extensions not to exceed \$90,000 each year, contingent upon the availability of State funding, for a total contract amount not to exceed \$450,000.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

## Consent Calendar

- 14. Contract: Suarez & Munoz Construction, Inc. for Harrison Park – Gabe Catalfo Fields Renovation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Harrison Park – Gabe Catalfo Fields Renovation Project, Specification No. 19-11285-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, Suarez & Munoz Construction, Inc.; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Suarez & Munoz Construction, Inc., for the Harrison Park – Gabe Catalfo Fields Renovation project at 1100 Fourth Street, Berkeley, CA 94710, in an amount not to exceed \$531,300, which includes a contract amount of \$483,000 and a 10% contingency in the amount of \$48,300.  
**Financial Implications:** Various Funds - \$531,300  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 15. Waiver of Annual Marina Berth Fees for Non-Profits**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Affirming the determination by City staff and the Parks and Waterfront Commission that three non-profit organizations at the Berkeley Marina (Berkeley Racing Canoe Club, Cal Sailing Club, and The Pegasus Project) are in full compliance with all aspects of Resolution No. 66,544-N.S.; and 2. Approving the annual waiver of berth fees for the three groups for 2019.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 16. Contract: Cratus, Inc. for FY2018 Measure M Low Impact Development (LID) Woolsey Street Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for FY2018 Measure M Low Impact Development (LID) Woolsey Street Project, Specification No. 18-11183-C (Re-Issued); accepting the bid of Cratus, Inc. as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$2,908,377.  
**Financial Implications:** Measure M Streets & Watershed GO Bond Fund - \$2,908,377  
Contact: Phillip Harrington, Public Works, 981-6300

## Consent Calendar

- 17. Purchase Order: Municipal Maintenance Equipment, Inc. for Fifteen GO-4 Parking Enforcement Vehicles**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a purchase order with Municipal Maintenance Equipment, Inc. in an amount not to exceed \$715,000 for fifteen GO-4 parking enforcement vehicles.  
**Financial Implications:** Equipment Replacement Fund - \$715,000  
Contact: Phillip Harrington, Public Works, 981-6300
- 18. Declaration of Intent - FY 2020 Street Lighting Assessments**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions granting the City Manager the authority to approve the Engineer's Reports; set a public hearing to be held before the Council of the City of Berkeley at its June 11, 2019 meeting; and authorize the City Clerk to publish Notice of the Public Hearing for FY 2020 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300
- 19. Contracts: On-Call Construction and Project Management Services: Ghirardelli Associates, Inc., Park Engineering, Inc., and Quincy Engineering, Inc.**  
**From: City Manager**  
**Recommendation:** Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call construction and project management services for capital improvement projects, each for a period of July 1, 2019 through June 30, 2022:  
1. Ghirardelli Associates, Inc. for an amount not to exceed \$1,000,000.  
2. Park Engineering, Inc. for an amount not to exceed \$1,000,000.  
3. Quincy Engineering, Inc. for an amount not to exceed \$1,000,000.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300
- 20. Amendment to Grant Funding Agreement for Gilman Railroad Pedestrian Crossing Safety Project, Specification No. 18-11244-C**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting an amendment to the grant funding agreement between the City and the California Department of Transportation, Service Contract No. 75LX291, for the Gilman Railroad Pedestrian Crossing Safety Project to increase the amount from \$310,500 to \$473,000 and revise the expiration date from December 19, 2019 to December 31, 2020 and authorizing the City Manager to execute said amendment and any other associated necessary agreement.  
**Financial Implications:** See report  
Contact: Phillip Harrington, Public Works, 981-6300

## Consent Calendar

- 21. Contract: Gilman Railroad Pedestrian Crossing Safety Project, Specification No. 18-11244-C**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Gilman Railroad Pedestrian Crossing Safety Project (“Project”), Specification No. 18-11244-C; 2. Accepting the bid of the lowest responsible bidder, ERA Construction Inc.; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or change orders with ERA Construction Inc. until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$377,764.  
**Financial Implications:** Various Funds - \$377,764  
Contact: Phillip Harrington, Public Works, 981-6300
- 22. Purchase Order: National Auto Fleet Group for Eleven Ford Police Interceptor Utility**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcwell contract bid procedures, and authorizing the City Manager to execute a purchase order for eleven model year 2020 Ford Police Interceptor Utility with National Auto Fleet Group in an amount not to exceed \$770,000.  
**Financial Implications:** Equipment Replacement Fund - \$770,000  
Contact: Phillip Harrington, Public Works, 981-6300
- 23. Board of Library Trustees Reappointment: Diane Davenport**  
**From: Board of Library Trustees**  
**Recommendation:** Adopt a Resolution Approving the Reappointment of Diane Davenport to the Board of Library Trustees (“BOLT”) for a second term of four years commencing May 16, 2019.  
**Financial Implications:** None  
Contact: Elliot Warren, Commission Secretary, 981-6100
- 24. Declaring every 3rd Sunday in May to be Postpartum Justice Day in the City of Berkeley**  
**From: Community Health Commission**  
**Recommendation:** Adopt a resolution declaring every third Sunday in May to be Postpartum Justice Day in the City of Berkeley to support and encourage the needed work to achieve equity and justice in maternal health.  
**Financial Implications:** None  
Contact: Roberto Terrones, Commission Secretary, 981-5400

## Consent Calendar

**25. Recommendation to Install an Outdoor Public Warning System (Sirens) and Incorporate It Into a Holistic Emergency Alerting Plan**

**From: Disaster and Fire Safety Commission**

**Recommendation:** We recommend that City of Berkeley immediately begin the process to purchase, install, and maintain an outdoor public warning system (sirens) as a supplement to other alert and warning technologies within our boundaries and coordinated with abutting jurisdictions and Alameda County.

This installation should be accompanied by the following: - ongoing outreach and education so that the public will understand the meaning of the sirens and what to do when they hear a siren; - development of a holistic alert protocol, incorporating sirens as an additional option among the available suite of alerting methods; - staff training and drills on alerting procedures; - development of a testing and maintenance plan that will ensure the system is fully operational while avoiding unnecessary or excessive noise pollution in the City; - outreach to deaf and hard of hearing residents to encourage them to opt-in for alerting that meets their communication needs. This may include distributing weather radios or other in-home devices with accessibility options for people with disabilities.

This recommendation does not specify the number, type, or location of sirens; City staff should determine the most cost-effective system that achieves the goals described in this recommendation. This may include either mobile or fixed-location sirens.

**Financial Implications:** See report

Contact: Keith May, Commission Secretary, 981-3473

**26. 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale**  
**From: Auditor**

**Recommendation:** We recommend City Council request that the City Manager report back by November 19, 2019, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Police Department.

**Financial Implications:** See report

Contact: Jenny Wong, Auditor, 981-6750

## Council Consent Items

**27. Support AB 539 – the Fair Access to Credit Act**

**From: Mayor Arreguin**

**Recommendation:** Adopt a Resolution in support of AB 539, the Fair Access to Credit Act, authored by Monique Limón. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Monique Limón.

**Financial Implications:** None

Contact: Jesse Arreguin, Mayor, 981-7100



## Council Consent Items

- 28. BOSS Rising Stars Gala Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Davila**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$100 from Councilmember Cheryl Davila, to support the Rising Stars Youth Leadership Gala Event (BOSS) May 31, 2019, 6-8PM, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila, the Mayor and any other Councilmembers who would like to contribute.  
**Financial Implications:** Councilmember's Discretionary Funds - \$100  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
- 29. Resolution in Support of Charter Reform Assembly Bills**  
**From: Councilmembers Harrison and Bartlett**  
**Recommendation:** Adopt a resolution in support of Assembly Bills 1505, 1506, and 1507, which regulate charter schools and give public school boards more authority to resist privatization of schools. Send letters of support to Assemblymember Wicks, Senator Skinner, and Governor Newsom.  
**Financial Implications:** None  
Contact: Kate Harrison, Councilmember, District 4, 981-7140
- 30. Rebuilding Together Budget Referral**  
**From: Councilmember Harrison**  
**Recommendation:** Refer to the budget process a one-time allocation to fund Rebuilding Together East Bay-North from the General Fund according to the Housing Advisory Commission recommendations.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, 981-7140
- 31. Acton and University Traffic Light Budget Referral**  
**From: Councilmember Harrison**  
**Recommendation:** Refer to the budget process a one-time allocation for an overhanging street light at Acton and University  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, 981-7140

## Council Consent Items

### 32. Sponsoring the 2019 Himalayan Fair

**From: Councilmember Hahn**

**Recommendation:** Adopt a resolution approving the co-sponsorship by the City of Berkeley of the 2019 Himalayan Fair to be held at Live Oak Park on Saturday, May 18th and Sunday, May 19th, and approving the expenditure of an amount not to exceed \$300 per councilmember, including \$300 from Councilmember Hahn, to The Himalayan Fair for administrative fees, event production and advertising, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn, and any other Councilmembers who would like to contribute.

**Financial Implications:** See report

Contact: Sophie Hahn, Councilmember, District 5, 981-7150

### 33. Letter in Support of AB 38

**From: Councilmember Wengraf**

**Recommendation:** Send a letter of support for AB 38 Fire Safety: State Wildfire Preparedness Board: Fire Hardened Homes Revolving Loan Fund (Wood) to Assemblymember Wood, with copies to Senator Skinner, Assemblywoman Wicks and Governor Newsom.

**Financial Implications:** None

Contact: Susan Wengraf, Councilmember, District 6, 981-7160

## Action Calendar

*The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

*The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

*Action items may be reordered at the discretion of the Chair with the consent of Council.*

## Action Calendar – Public Hearings

*Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.*

*Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

## Action Calendar – Public Hearings

*Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.*

- 34. Published Charges: Mental Health Clinical Services**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution establishing Published Charges for Mental Health Clinical Services for FY 2019. Published Charges are effective July 1, 2018.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400
- 35. Fees: Public Health Clinic Services**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution establishing a new fee schedule for Public Health Clinic services effective, July 1, 2019, and rescinding Resolution No. 68,449-N.S.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, 981-5400
- 36. Ambulance User Fee Adjustment**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution adjusting the Ambulance User Fee to match Alameda County's approved ambulance user fee schedule made effective September 1, 2018, for the Cities of Alameda, Albany, Berkeley, and Piedmont. The increase would be included as an updated addendum to the Ambulance Provider Agreement, rescinding Resolution 67,979–N.S.  
**Financial Implications:** See report  
Contact: David Brannigan, Fire, 981-3473
- 37. Selected Camp Program Fee Increases**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select camp programs and rescinding Resolution No. 68,450-N.S. and all amendatory resolutions.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
- 38. Selected Marina Fee Increases**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select Marina fees; and rescinding Resolution No. 68,451-N.S. and all amendatory resolutions.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

## Action Calendar – Public Hearings

### 39. Land Use Planning Permit Fee Amendments

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution amending Resolution No. 67,985-N.S. to amend the fee schedule for Land Use Planning Fees to establish a new fee for land use applications that request streamlined approval, pursuant to Senate Bill 35 (approved by Governor in 2017).

**Financial Implications:** See report

Contact: Timothy Burroughs, Planning and Development, 981-7400

### 40. Fiscal Year 2020 and Fiscal Year 2021 Proposed Budget Public Hearing #1

**From: City Manager**

**Recommendation:** Conduct a public hearing on the FY 2020 and FY 2021 Proposed Biennial Budget.

**Financial Implications:** See FY 2020 and FY 2021 Proposed Biennial Budget

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

### 41. One-Way Car Share – Transition from Pilot to Baseline Program

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion:

1. Adopt a Resolution approving an ongoing One-Way Car Share program for the City of Berkeley, with an increase to administration fees that are commensurate with City administrative cost increases, and
2. Adopt the first reading of an Ordinance pursuant to Berkeley Municipal Code Chapter 14.62, deleting language that refers to the program as a limited-term “pilot” and amending language on the number of vehicle parking permits for which a one-way car share organization may apply.

**Financial Implications:** The program pricing structure results in cost-neutrality.

Contact: Phillip Harrington, Public Works, 981-6300

## Action Calendar – Public Hearings

**42. Residential Preferential Parking (RPP) Program Reform & Expansion Phase II: Recommendations for Increased Staffing, Enhanced Football Game Day Enforcement, and Expansion**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion:

1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 14.72 to allow Residential Preferential Parking (RPP) in areas zoned Mixed Use-Light Industrial;
2. Adopt a Resolution to expand and enhance the RPP Program, raising permit fees for cost neutrality while increasing parking enforcement staff and equipment to augment RPP enforcement, improving UC Berkeley home football game parking enforcement, allowing more residents to opt-in, and rescinding Resolution 68,344-N.S.;
3. Adopt a Resolution modifying parking restrictions in specified RPP Zones on UC Berkeley home football game days as follows: establish “Enhanced Fine Areas” to prohibit parking without a valid RPP permit in portions of RPP Zones B, D, F, G, and I; and install new RPP signs in zones B, D, F, G, and I to clearly indicate UC Berkeley home football game day parking prohibitions; and
4. Adopt a Resolution establishing a new Parking Fine Schedule, including parking fines of \$225 per violation of BMC 14.40.090 in new Enhanced Fine Areas on posted UC football game days, and rescinding Resolution No. 68,466-N.S.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**43. ZAB Appeal: 1444 Fifth Street, Administrative Use Permit #ZP2018-0172**

**From: City Manager**

**Recommendation:** Conduct a public hearing, and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Administrative Use Permit #ZP2018-0172 to construct four detached, three-story, approximately 1,900 square-foot, single-family dwellings, each with an average height of 33 feet, on a 5,744 square-foot vacant lot in the MU-R District, and dismiss the appeal.

**Financial Implications:** None

Contact: Timothy Burroughs, Planning and Development, 981-7400

## Action Calendar – New Business

**44. City Council Short Term Referral Process – Monthly Update**

**From: City Manager**

Contact: Mark Numainville, City Clerk, 981-6900

## Action Calendar – New Business

- 45. Equal Pay Independent Audit of City Employees**  
**From: Commission on the Status of Women**  
**Recommendation:** Adopt a Resolution providing \$12,500 from the General Fund to pay Dr. Martha Burk to conduct an independent audit of the pay of male and female employees in the City of Berkeley city employee workforce.  
**Financial Implications:** \$12,500.  
Contact: Shallon Allen, Commission Secretary, 981-7000
- 46a. Recommendations for a Fossil Fuel Free Berkeley**  
**From: Energy Commission**  
**Recommendation:** The Berkeley Energy Commission recommends the City Council refer to the City Manager to implement the recommendations listed below as well as additional measures outlined in the attached report to aggressively reduce greenhouse gas (GHG) emissions in the city and the region.  
**Financial Implications:** Unknown  
Contact: Billi Romain, Commission Secretary, 981-7400
- 46b. Companion Report: Recommendations for a Fossil Fuel Free Berkeley**  
**From: City Manager**  
**Recommendation:** Refer to the City Manager to continue to implement existing policies and programs that are consistent with the recommendations in the Berkeley Energy Commission's Fossil Fuel Free Berkeley Report, such as the Building Energy Saving Ordinance and development of new building codes that promote building electrification, and also to complete new evaluations and analyses of current and potential future greenhouse gas reduction programs and policies in order to inform next steps for accelerating progress to a Fossil Fuel Free Berkeley.  
**Financial Implications:** See report  
Contact: Timothy Burroughs, Planning and Development, 981-7400
- 47a. Recommendations Related to Code Enforcement Actions and Leonard Powell Fact Finding**  
**From: Housing Advisory Commission**  
**Recommendation:** Establish policies that will provide housing stability for homeowners and tenants. The City Council should set in place clear, objective, and equitable standards for conducting code enforcement actions and ensure that due process rights of affected homeowners and/or tenants are preserved. Commission a formal fact-finding process to ascertain what occurred in the matter of Mr. Leonard Powell. It should also refer this matter to the City Auditor. The fact finding should, among other things, focus on any actions taken by the Receiver in the case of Mr. Powell and any communications that the City has had with the Receiver. The HAC recognizes that additional steps may be necessary in regard to this matter, and may forward additional recommendations to the City Council at a later date.  
**Financial Implications:** Staff time  
Contact: Mike Uberti, Acting Commission Secretary, HHCS (510) 981-5114

## Action Calendar – New Business

### 47b. Recommendation to Bring Justice to Mr. Leonard Powell and to Change Certain Policies to Ensure Housing Stability for Homeowners and Tenants From: Peace and Justice Commission

**Recommendation:** The Peace and Justice (PJC) recommends that the Berkeley City Council take the following actions:

The Peace and Justice Commission (PJC) recommends that the City Council send a letter to the Superior Court Judge overseeing Mr. Leonard Powell's receivership case thanking him for the fairness and justice of his decision to deny the Bay Area Receivership Group's ongoing requests to sell Mr. Powell's home, and allowing Mr. Powell and his friends and family time to make the necessary financial arrangements.

PJC also recommends to the Berkeley City Council that it set in place the following policies that would provide housing stability for homeowners. In particular, when legal action is being attempted by the City as a result of code enforcement violations, the following practices should be put into place:

1. Punitive actions such as eviction, substantial fines, or placing an individual into legal guardianship, or receivership that are likely to result in the permanent displacement of a homeowner or their low-income tenants presently occupying or renting their home is the very last resort that city staff should take. It should only be conducted if all other attempts to resolve the situation have been unsuccessful; and should only be a response to severe code enforcement violations that cause immediate danger to life safety or have been determined by a quasi-judicial body (e.g., Zoning Adjustments Board, City Council) to endanger the health and safety of the immediate neighbors.

2. The Mayor, and Councilmember representing the district of the address in question, and Housing Advisory Commission are notified of their constituent's name (if allowed by applicable privacy laws), address, the nature of the alleged code violations, and a report detailing the status of the matter and any past, ongoing, and anticipated future attempts to resolve the matter; and

3. The City shall explore the use of anti-displacement funds to assist low-income homeowners and/or tenants residing on the premises with legal matters of forced relocation, expenses, and/or other needs as applicable and appropriate.

4. Establish a policy that code enforcement should aim to improve the safety and security of the property for its current residents and their neighbors.

5. "Reimburse" Mr. Powell, Friends of Adeline and NAACP by placing an amount not to exceed \$68,000 raised privately to pay for Receivers legal and administrative fees. These parties may collectively determine how to best use these funds.

**Financial Implications:** See report

Contact: Bre Slimick, Commission Secretary, 981-7000

## Action Calendar – New Business

**47c. Companion Report: Commission Recommendations Regarding Code Enforcement and Mr. Leonard Powell**

**From: City Manager**

**Recommendation:** The City Manager appreciates the concerns identified by the Peace & Justice Commission and Housing Advisory Commission regarding the effects of code enforcement actions on low-income homeowners, including Mr. Powell. The City Manager believes that current City policies, practices and records demonstrate the proper mechanisms are in place to ensure the outcomes each commission wishes and that additional recommendations are not needed. City staff have worked extensively with Mr. Powell and the receiver to facilitate Mr. Powell's ability to maintain ownership and reside in his property.

**Financial Implications:** See report

Contact: Paul Buddenhagen, City Manager's Office, 981-7000; Kelly Wallace, Housing and Community Services, 981-5400

**48. Resolution Assigning Socially Responsible Investment and Procurement advisory role to the Peace and Justice Commission**

**From: Peace and Justice Commission**

**Recommendation:** Adopt resolution assigning socially responsible investment and procurement advisory role to the Peace and Justice Commission.

**Financial Implications:** None

Contact: Bre Slimick, Commission Secretary, 981-7000

**49a. Grant Allocation: Approve Funding Recommendation for Programs to Reduce Consumption of Sugar-Sweetened Beverages (SSBs)**

**From: Sugar Sweetened Beverage Product Panel of Experts**

**Recommendation:** Approve the SSBPPE Commission's recommendations and adopt twelve (12) Resolutions authorizing the City Manager or her designee to enter into contracts with the Berkeley Unified School District and the Community Based Organizations (CBOs) listed below to distribute a total of \$3,800,000 for FY 2020 and FY 2021 according to the schedule below and to also provide \$950,000 to the City of Berkeley Public Health Division (BPHD) during the same period to support administering and enhancing this program as approved by the Berkeley City Council as follows:

1. \$1,900,000 total grant to Berkeley Unified School District to implement the Gardening and Cooking Program for FY 2020 and FY 2021 to be disbursed as follows--\$950,000 for FY 2020 and \$950,000 for FY 2021.
2. \$285,000 total grant to the Ecology Center to implement For Thirst, Water First! program for FY 2020 and FY 2021 to be disbursed as follows--\$142,500 in FY 2020 and \$142,500 in FY 2021.
3. \$590,000 grant to Healthy Black Families to implement Thirsty for Change! (T4C) program for FY 2020 and FY 2021 to be disbursed as follows--\$295,000 in FY 2020 and \$295,000 in FY 2021.
4. \$30,000 grant to the Multicultural Institute to implement the Life Skills/Day Laborer Program: Health Activity program for FY 2020 and FY 2021 to be disbursed as follows: \$15,000 in FY 2020 and \$15,000 in FY 2021.



## Action Calendar – New Business

5. \$140,000 grant to the YMCA of the East Bay to implement the YMCA Diabetes Prevention (YDPP) program for FY 2020 and FY 2021 to be disbursed as follows: \$70,000 in FY 2020 and \$70,000 in FY 2021.
6. \$170,000 grant to the YMCA of the East Bay to implement the YMCA Healthy Me! program for FY 2020 and FY 2021 to be disbursed as follows: \$85,000 in FY 2020 and \$85,000 in FY 2021.
7. \$270,000 grant to Lifelong Medical Care to implement the Chronic Disease and Oral Health Prevention Project for FY 2020 and FY 2021 to be disbursed as follows: \$135,000 in FY 2020, and \$135,000 in FY 2021.
8. \$80,000 grant to Spiral Garden to implement the Spiral Gardens Community Food Security Project for FY 2020 and FY 2021 to be disbursed as follows: \$40,000 in FY 2020, and \$40,000 in FY 2021.
9. \$32,792 grant to Fresh Approach to implement the Veggie Rx Program for Healthy Foods and Beverages program for FY 2020 and FY 2021 to be disbursed as follows: \$16,396 in FY 2020, and \$16,396 in FY 2021.
10. \$135,880 grant to Bay Area Community Resources to implement the Healthy Options at Point of Sale program for FY 2020 and FY 2021 to be disbursed as follows: \$67,940 in FY 2020, and \$67,940 in FY 2021.
11. \$69,328 grant to Community Health Education Institute to implement the Artists Against Soda program for FY 2020 and FY 2021 to be disbursed as follows: \$34,664 in FY 2020, and \$34,664 in FY 2021.
12. \$97,000 grant to Berkeley Youth Alternatives to implement the Urban Agriculture and Team Nutrition Program for FY 2020 and FY 2021 to be disbursed as follows: \$48,500 in FY 2020 and \$48,500 in FY2021.
13. \$950,000 to the City of Berkeley Public Health Division (BPHD) to support the SSBPPE Commission and assist with outside evaluations to be disbursed as follows: \$475,000 in FY 2020 and \$475,000 in FY 2021 with 10% of those funds in both years designated for a media campaign.
14. The Commission recommends that indirect or administrative expenses not exceed 15% of the program budget and that these funds not be used to supplant any other source of funding.
15. The Commission recommends that City Council authorize the City Manager to authorize advances for BUSD and the selected community agencies receiving funds in FY 2020 and FY2021. The advances are to be equivalent to 25% of the agency's allocation.

**Financial Implications:** See report

Contact: Dechen Tsering, Commission Secretary, 981-5300

## Action Calendar – New Business

- 49b. Companion Report: Grant Allocation: Approve Funding Recommendation for Programs to Reduce Consumption of Sugar-Sweetened Beverages (SSBs)  
From: City Manager**

**Recommendation:** Adopt the Sugar Sweetened Beverage Product Panel of Experts' (SSBPPE) funding recommendations and resolutions authorizing the City Manager to enter in contracts with the Berkeley Unified School District and the Community Based Organizations for FY 2020 and FY2021 with the following caveats: 1) remove the City of Berkeley as a grantee and remove the resolution that is included in the SSBPPE report relating to the Public Health division, 2) adopt the amount to be distributed as \$4.474 million, as was passed by Council on January 22, 2019, and 3) reduce all grantees' and the Public Health division allocations equally to reach the adopted figure (about 5%).

**Financial Implications:** See report

Contact: Kelly Wallace, Housing and Community Services, 981-5400

## Action Calendar – Policy Committee Track Items

- 50. Engage Professional Support to Assist City Council in Establishing a Process and Performing an Evaluation of the City Manager's Performance**

**From: Mayor Arreguin and Councilmember Harrison**

**Recommendation:** Direct the City Manager to issue a Request for Proposal to contract with an experienced firm that will engage the City Manager and City Council in a performance evaluation of the City Manager's performance. The process should begin in July 2019 following the scheduled approval of the Biennial Budget, and result in a process for ongoing updates and establish an annual evaluation schedule.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, 981-7100

- 51. Authorizing Additional Inclement Weather Shelter at Old City Hall from April 15, 2019-June 30, 2019**

**From: Councilmembers Davila, Harrison, and Hahn**

**Recommendation:**

1. Authorize the City Manager to maintain open an as-needed inclement weather shelter from April 15, 2019 - June 30, 2019, to provide safe, indoor locations for our unhoused community during inclement weather, including changing the cold temperature to below 45 degrees, rain, and add extreme heat and atmospheric pollution such as smoke.

2. Approving the allocation of \$60,000 in funding for this inclement weather shelter with funds from the budget appropriations for an expanded Emergency Shelter program or by State Homeless Emergency Aid Program (HEAP) funding.

3. Authorizing the City Manager to amend Contract No. 10577B with Dorothy Day House for the current operation of the as-needed inclement weather shelter, that will include this extension through June 30, 2019, and possible program expansion in order to increase number of unhoused people served.

**Financial Implications:** See report

Contact: Cheryl Davila, Councilmember, District 2, 981-7120

## Action Calendar – Policy Committee Track Items

- 52. Budget Referral: Remediation of Lawn Bowling, North Green and Santa Fe Right-of-Way, FY2020-2021**  
**From: Councilmember Davila**  
**Recommendation:** Refer to the FY20 (2020/2021) RRV Budget Process for consideration of at least \$150,000 and up to remediate the Lawn Bowlers, North Green and Santa Fe Right-of-Way in advance of Request for Proposal (RFP) for these areas that potentially could provide much needed affordable alternative housing.  
Refer to the Homeless Services Panel of Experts to consider Measure P funds for remediation purposes for these properties.  
**Financial Implications:** See report  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
- 53. Opposition to Revision of Title IX Sexual Harassment and Assault Regulations Proposed by U.S. Department of Education, Secretary Betsy DeVos**  
**From: Councilmember Davila**  
**Recommendation:** Adopt a resolution opposing the proposed revisions of Title IX regulations on gender and sex-based discrimination as proposed by Secretary DeVos of the United States Department of Education.  
**Financial Implications:** None  
Contact: Cheryl Davila, Councilmember, District 2, 981-7120
- 54. Supporting the timely implementation of the Buy Clean California Act and reaffirming the City of Berkeley’s commitment to reducing embodied energy**  
**From: Councilmember Hahn**  
**Recommendation:** Adopt a resolution supporting the timely implementation of the Buy Clean California Act (AB 262), and reaffirming the City of Berkeley’s commitment to reducing embodied energy in building materials. Send copies of the resolution to Assemblymember Buffy Wicks, State Senator Nancy Skinner, Governor Gavin Newsom, and senior leadership at the California Department of General Services.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, 981-7150

## Information Reports

- 55. Referral Response: Issue a Request for Information to Explore Grant Writing Services from Specialized Municipal Grant-Writing Firms, and Report Back to Council**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, 981-7300

## Information Reports

56. **Results of RFP for Availability Study for Affirmative Action in City Contracting (Berkeley Inclusion in Opportunity Index)**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, 981-7300
57. **Public Works Department Reaccreditation by the American Public Works Association**  
**From: City Manager**  
Contact: Phillip Harrington, Public Works, 981-6300
58. **Residential Preferential Parking (RPP) Program: Spring 2019 Update**  
**From: City Manager**  
Contact: Phillip Harrington, Public Works, 981-6300

## Public Comment – Items Not Listed on the Agenda

### Adjournment

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <http://www.cityofberkeley.info>.

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2180 Milvia Street  
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TDD: 510-981-6903  
Fax: 510-981-6901  
Email: clerk@cityofberkeley.info

Libraries:  
Main - 2090 Kittredge Street  
Claremont Branch – 2940 Benvenue  
West Branch – 1125 University  
North Branch – 1170 The Alameda  
South Branch – 1901 Russell

**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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CONSENT CALENDAR
May 14, 2019

To: Honorable Mayor and Members of the City Council
 From: Board of Library Trustees
 Submitted by: Elliot Warren, Acting Director of Library Services, Acting as Secretary,
 Board of Library Trustees
 SUBJECT: Board of Library Trustees Reappointment: Diane Davenport

RECOMMENDATION

Adopt a Resolution Approving the Reappointment of Diane Davenport to the Board of Library Trustees (“BOLT”) for a second term of four years commencing May 16, 2019.

FISCAL IMPACTS OF RECOMMENDATION

None.

BACKGROUND

The Board of Library Trustees consists of five members appointed by the City Council upon recommendation of the Board of Library Trustees. Board members are appointed for terms of four-years, serve without compensation, and must be Berkeley residents. Trustee Davenport is currently serving as a result of her appointment to the board by City Council resolution 67,900-N.S. on April 4, 2017 to complete her first term of office which ends on May 15, 2019. The practice of the board has been to support trustees expressing an interest in serving a second term of office by putting forward a recommendation to the City Council in advance of the terms expiration to ensure continuity and a full complement of board members in order to conduct business. At its April 3, 2019 regular meeting, the board adopted Resolution #19-016 to appoint Diane Davenport to a second term: M/S/C (Hunt/Roth); Ayes – Trustees Davenport, Hahn Hunt and Roth. Noes: None; Abstentions: None; Absent: Trustee Selawsky.

CURRENT SITUATION AND ITS EFFECTS

Trustee Davenport’s first term will end on May 15, 2019 and she is eligible for a second term that would end on May 15, 2023. Trustee Davenport is currently serving as President of the Board and is a member in good standing.

CONTACT PERSON

Elliot Warren, Acting Director, Library Services, 981-6195

Attachments:

1. Resolution
2. BOLT Resolution

RESOLUTION NO. ##,###-N.S.

RE-APPOINTMENT OF DIANE DAVENPORT AS A MEMBER OF THE LIBRARY
BOARD OF TRUSTEES

WHEREAS, membership of the Board of Library Trustees is composed of five appointments by the City Council, including one appointment of a current council member; and

WHEREAS, Diane Davenport was appointed to a first term as a "Trustee" on April 4, 2017 to complete the term of office for a previous trustee, which ends on May 15, 2019; and

WHEREAS, at its April 3, 2019 meeting, the Board of Library Trustees recommended that Diane Davenport be reappointed to a second term on the Library Board by Resolution #19-016.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Diane Davenport be reappointed to the Board of Library trustees for a second term beginning May 16, 2019 and ending May 15, 2023.

BOARD OF LIBRARY TRUSTEES
RESOLUTION NO: 19-016

WHEREAS, Trustee Diane Davenport's first term as trustee will end on May 15, 2019; and

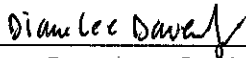
WHEREAS, Trustee Davenport is eligible for a second term for a duration of four years, which will end on May 15, 2023; and

WHEREAS, Trustee Davenport is currently serving as President of the Board of Library Trustees;

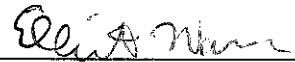
NOW, THEREFORE, BE IT RESOLVED by the Board of Library Trustees of the City of Berkeley to recommend that the City Council of the City of Berkeley reappoint Trustee Diane Davenport for a four-year second term beginning on May 16, 2019 and ending on May 15, 2023.

ADOPTED by the Board of Library Trustees of the City of Berkeley at a regular meeting held on April 3, 2019 by the following vote:

AYES:	Trustees Davenport, Hahn, Hunt & Roth
NOES:	None
ABSENT:	Trustee Davenport
ABSTENTIONS:	None



Diane Davenport, President



Elliot Warren, Acting Director of Library Services
Serving as Secretary to the Board of Library Trustee



Community Health Commission

CONSENT CALENDAR
May 14, 2019

To: Honorable Mayor and Members of the City Council
 From: Community Health Commission
 Submitted by: May Simpson, Chairperson, Community Health Commission
 Subject: Declaring every 3rd Sunday in May to be Postpartum Justice Day in the City of Berkeley

RECOMMENDATION

Adopt a resolution declaring every third Sunday in May to be Postpartum Justice Day in the City of Berkeley to support and encourage the needed work to achieve equity and justice in maternal health.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Postpartum realities in the United States

1. There has been a 25% increase in maternal deaths in the US in the past 20 years.
2. Racial disparity in maternal deaths is historical and has persisted. 2006-2015, a black mother in NY City has a 12 times higher risk of maternal death compared to a white mother.
3. Top four causes of maternal death: cardiovascular diseases, other medical conditions, infection, and hemorrhage.
4. 1970-2012, Caesarean-section rates increased 6 times; Caesarean delivery was associated with a 3.01-fold increase in the risk of maternal death compared with vaginal delivery.
5. For every maternal death, there are 60-70 maternal near-deaths.
6. 70%-80% of new mothers will experience the baby blues.
7. US is the only industrialized country without a national paid maternity leave policy.
8. Nearly 1 in 4 mothers return to work within 2 weeks of giving birth.
9. 54.9% of women (ages 15-44) had given birth but the postpartum experience is nearly invisible in the US culture.
10. Modern day gynecology was founded on inhumane experimentation on enslaved black women.

BACKGROUND

Based on available data and studies on the root causes of Black and indigenous maternal health disparities, the definition of Postpartum Justice has only recently been formulated:

Postpartum Justice is the set of values forming the foundation of postpartum care that is fair and equitable. It is free from sexism, racism and a health care system that is based on profit. Postpartum Justice recognizes society's collective responsibility for all parents of new babies. It distills the postpartum wisdom of the past and transforms it to serve the future.

Much needs to be done to mitigate and rectify the inequities. There is a growing movement in postpartum justice (including the formation of black doula collectives to statewide projects to advance equities). The first steps for the City of Berkeley to take are to recognize the crisis, to declare a need to address the inequities and to give the campaign a battle cry: Postpartum Justice. Declaring the Sunday after Mother's Day to be Postpartum Justice Day will call attention to the City of Berkeley's intention to honor the vulnerable period of time after giving birth in the lives of parents of new babies.

The Community Health Commission passed the following motion at the March 28, 2019 meeting:

M/S/C (Smart/Rosales): adoption of a resolution declaring every 3rd Sunday in May to be Postpartum Justice Day in the City of Berkeley.

Ayes: Webber, Speich, Futoran, Carter, Smart, Spigner, Rojas-Cheatham, Simpson, Rosales, Katz; **Noes:** None; **Absent from vote:** Engelman, Le.

ENVIRONMENTAL SUSTAINABILITY

There are no identified environmental impacts with this agreement.

RATIONALE FOR RECOMMENDATION

United States as a nation has long identified the elimination of health disparities as its number one national public health goal. The City of Berkeley is a partner in this effort.

One of the most glaring examples of disparities in this past decade is the maternal mortality rates of black and indigenous communities. Furthermore, these rates continue to climb while much of the rest of the world is experiencing a decline.

The City of Berkeley should stand in the forefront to fight and to call attention to injustice.

ALTERNATIVE ACTIONS CONSIDERED

- Home visits for all Berkeley families with newborns.
- Paid doula services for all low-income birthing people.
- Establish a city-wide policy of providing 6 weeks to 6 months of paid family leave.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

The resolution aligns with the City of Berkeley's Strategic Plan with the goal of championing and demonstrating social and racial equity. In addition, it aligns with the City of Berkeley Public Health Division's goal to decrease disparities and inequities in Berkeley.

CONTACT PERSON

Roberto A. Terrones, MPH, Commission Secretary, (510) 981-5324

Attachments:

1: Resolution

Exhibit A: References

Exhibit B: Healthy People 2020

Exhibit C: Health inequities in the black communities in the city of Berkeley

RESOLUTION NO. ##,###-N.S.

DECLARING EVERY THIRD SUNDAY IN MAY TO BE POSTPARTUM JUSTICE DAY

WHEREAS, the United States has identified the elimination of health disparities as its number one public health goal in its Healthy People 2020 policy declaration; and

WHEREAS, the City of Berkeley is a partner in this effort; and

WHEREAS, maternal mortality continues to impact black and indigenous communities disproportionately; and

WHEREAS, racial disparities in pregnancy outcomes are historical and persistent in the U.S. as well as in California; and Black women are almost 4 times more likely to die in childbirth compared to white women regardless of economic and social status; and

WHEREAS, according to the Center for Disease Control, between 2000 and 2014, while other industrialized nations have continually improved their birth outcomes, in the U.S., there has been a 26.6% increase in birth-related deaths; and

WHEREAS, for every birth-related death there are also 60-70 birthing people who suffer serious complications which can result in long term and life altering health changes; and

WHEREAS, postpartum care is a critical period for new parents and their children and proper attention can ensure well-being and long-term positive health outcomes; and

WHEREAS, the US is the only industrialized country without a national paid maternity leave policy; and nearly 1 in 4 new moms in the US return to work within 2 weeks of giving birth; and

WHEREAS, the term postpartum period refers to the six weeks after childbirth; and

WHEREAS, postpartum justice is the set of values forming the foundation of postpartum care that is fair and equitable; and it is free of sexism, racism, homophobia, transphobia, and not based on a healthcare system that is profit-driven;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it will declare every third Sunday in May to be "Postpartum Justice Day" in the City of Berkeley to promote and to support the nation's Healthy People 2020 objective to eliminate health disparities and specifically to address the maternal health crisis in the United States.

Exhibits

Exhibit A: References

Exhibit B: Healthy People 2020

Exhibit C: Health inequities in the black communities in the city of Berkeley

References

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What are the national health goals of the United States?

Healthy People 2020

“During the past 2 decades, 1 of *Healthy People’s* overarching goals has focused on disparities. In *Healthy People 2000*, it was to reduce health disparities among Americans. In *Healthy People 2010*, it was to eliminate, not just reduce, health disparities. In *Healthy People 2020*, that goal was expanded even further: to achieve health equity, eliminate disparities, and improve the health of all groups.

Healthy People 2020 defines *health equity* as the “attainment of the highest level of health for all people. Having health equity requires valuing everyone equally with focused and ongoing societal efforts to address avoidable inequalities, historical and contemporary injustices, and the elimination of health and health care disparities.”⁵

Healthy People 2020 defines a *health disparity* as “a particular type of health difference that is closely linked with social, economic, and/or environmental disadvantage. Health disparities adversely affect groups of people who have systematically experienced greater obstacles to health based on their racial or ethnic group; religion; socioeconomic status; gender; age; mental health; cognitive, sensory, or physical disability; sexual orientation or gender identity; geographic location; or other characteristics historically linked to discrimination or exclusion.”⁶

Over the years, efforts to eliminate disparities and achieve health equity have focused primarily on diseases or illnesses and on health care services. However, the absence of disease does not automatically equate to good health.

Powerful, complex relationships exist between health and biology, genetics, and individual behavior, and between health and health services, socioeconomic status, the physical environment, discrimination, racism, literacy levels, and legislative policies. These factors, which influence an individual’s or population’s health, are known as *determinants of health*.

For all Americans, other influences on health include the availability of and access to:

A high-quality education

- Nutritious food
- Decent and safe housing
- Affordable, reliable public transportation
- Culturally sensitive health care providers
- Health insurance
- Clean water and non-polluted air

Throughout the next decade, *Healthy People 2020* will assess health disparities in the U.S. population by tracking rates of illness, death, chronic conditions, behaviors, and other types of outcomes in relation to demographic factors including:

- Race and ethnicity

- Gender
- Sexual identity and orientation
- Disability status or special health care needs
- Geographic location (rural and urban)

HEALTH INEQUITIES IN BERKELEY - *City of Berkeley Health Status Summary Report 2018:*

(No maternal mortality data were cited in the City of Berkeley Health Status Summary Report.)

Chapter 1: Sociodemographic Characteristics & Social Determinants of Health	Chapter 2: Pregnancy & Birth	Chapter 3: Child & Adolescent Health	Chapter 4: Adult Health	Chapter 5: Life Expectancy & Mortality
Families headed by a White householder earn 3.4 times more than African American families, 1.9 times more than Latino families, and 1.4 times more than Asian families.	The risk of an African American mother having a LBW baby is 2.5 times higher than the risk for White mothers.	African American children (under 18) are 7 times more likely, Latino children are 5 times more likely, and Asian children are 2 times more likely than White children to live in poverty.	African Americans are 3 times more likely than Whites to be hospitalized due to coronary heart disease.	African Americans are 2.3 times more likely to die in a given year from any condition compared to Whites.
The proportion of families living in poverty is 8 times higher among African American families, 5 times higher among Latin families and 3 times higher among Asian families, compared to White families.	The risk of an African American mother having a premature baby is 2 times higher than the risk for White mothers.	African American high school students are 1.4 times more likely than White students to drop out of high school.	African Americans are 34 times more likely than Whites to be hospitalized due to hypertension.	African Americans are 2.0 times more likely than Whites to die of cardiovascular disease.
African Americans are 2.8 times less likely, Latinos are 1.6 times less likely and Asian children are 1.1 times less likely than Whites to have a bachelor's degree or higher.	The teen birth rate among African Americans is 9 times higher, and among Latinas is 3 times higher than the rate among White teens.	The asthma hospitalization rates for children under 5 for African American children is 10 times higher, and for Latino children is 2.8 times higher than the rate among White children.	African American women are 1.5 times more likely than Whites to be diagnosed with breast cancer.	African Americans are 1.8 times more likely than Whites to die of cancer.

CONSENT CALENDAR

May 14, 2019

To: Honorable Mayor and Members of the City Council

From: Disaster and Fire Safety Commission

Submitted by: Gradiva Couzin, Chair, Disaster and Fire Safety Commission

Subject: Recommendation to Install an Outdoor Public Warning System (Sirens) and Incorporate It Into a Holistic Emergency Alerting Plan

RECOMMENDATION

We recommend that City of Berkeley immediately begin the process to purchase, install, and maintain an outdoor public warning system (sirens) as a supplement to other alert and warning technologies within our boundaries and coordinated with abutting jurisdictions and Alameda County.

This installation should be accompanied by the following:

- ongoing outreach and education so that the public will understand the meaning of the sirens and what to do when they hear a siren
- development of a holistic alert protocol, incorporating sirens as an additional option among the available suite of alerting methods
- staff training and drills on alerting procedures
- development of a testing and maintenance plan that will ensure the system is fully operational while avoiding unnecessary or excessive noise pollution in the City
- outreach to deaf and hard of hearing residents to encourage them to opt-in for alerting that meets their communication needs. This may include distributing weather radios or other in-home devices with accessibility options for people with disabilities.

This recommendation does not specify the number, type, or location of sirens; City staff should determine the most cost-effective system that achieves the goals described in this recommendation. This may include either mobile or fixed-location sirens.

FISCAL IMPACTS OF RECOMMENDATION

Exact costs and staff time are to be determined. However, the two estimates below give a ballpark sense of the possible cost of this installation:

- Example 1: The cost of a 23-siren system in Berkeley was estimated at \$801,000 in 2004 (\$1.1 million in 2018 dollars), with an additional \$100,000 (\$132k in 2018 dollars) for public outreach and 0.5 FTE staff member time for 6 months to support the installation process.
- Example 2: A siren proposal in Sonoma County was recently estimated at \$850,000 for design and installation of 20 sirens.

CURRENT SITUATION AND ITS EFFECTS

On March 27, 2019, at the Regular meeting of the Disaster and Fire Safety Commission, the commission passed a motion to recommend that the City immediately begin the process to purchase, install, and maintain an outdoor public warning system (sirens) as a supplement to other alert and warning technologies within our boundaries and coordinated with abutting jurisdictions and Alameda County. M/S: Flasher, Degenkolb; Vote: 8 Ayes: Degenkolb, Flasher, Simmons, Stein, Bailey, Couzin, Grimes, Dean; 0 Noes; 0 Absent; 0 Abstain.

Berkeley faces a serious threat from a wildland-urban interface (WUI) fire that has increased for many reasons, including the growth of fuel that is happening as a result of recent rains. Based on recent experiences in the 2017 North Bay fires and the 2018 Camp Fire, it is clear that a wildfire in Berkeley would spread very quickly, expanding at many miles per hour and requiring a rapid evacuation of a large number of residents. This is especially likely in the designated Hazardous Fire Zones in the hills, but an intense and fast-moving fire threatens the entire City of Berkeley, including the flats.

Significant efforts are underway to address this increasing threat, including City staff's creation of a draft Wildfire Evacuation Plan and other wildfire safety efforts.

The City of Berkeley currently has several available alerting options that it can use in a wildfire emergency (see Attachment A) but does not have a citywide system of emergency sirens.

Recent wildfires in Northern and Southern California have shown that existing alerting systems and processes have not been sufficient. These wildfires have had tragic outcomes, with a disproportionate number of deaths of seniors and people with disabilities. Some of these locations have since initiated plans to install outdoor public warning systems (sirens).

BACKGROUND

Berkeley has considered using sirens for many years. In 2004, the City commissioned a study exploring installing emergency sirens, which included testing sirens and designing a possible layout of sirens.

In November, 2004, Bill Greulich, Emergency Services Manager at the time, recommended against installation of fixed sirens. He instead recommended exploring mobile sirens or weather radios. See Attachment B, "Alerting and warning system project update and recommendations for further action." However, in the 15 years since that discussion, neither of the suggested alternatives (mobile sirens and mass distribution of weather radios) has materialized.

Since that time, wildfires have become an increasing hazard in California due to the effects of climate change, including: increased frequency and severity of drought, tree mortality, bark beetle infestation, warmer spring and summer temperatures, and longer and more intense dry seasons. California experienced the deadliest and most destructive wildfires in its history in 2017

and 2018.¹ Fires are bigger, faster, and more intense; firefighters in the 2018 Camp Fire reported that they had never seen a fire move so quickly.² The length of wildfire season has expanded to be nearly year-round.³ With the continuing effects of climate change, scientists suggest that fires will continue to be a worsening threat.⁴

Also, in the years since the 2004 decision, smartphone technology has emerged, and while this has been an important addition to alerting options, it has not fully met the alerting needs or expectations of the public. A California Office of Emergency Services (Cal OES) Assessment Report on the Sonoma County wildfires of October 2017⁵ concluded that public expectations for local government alert and warning services are higher than what is currently being offered. People expect to be adequately alerted, even if they have never taken any action to “opt-in” for warnings.

At this time, the City is reviewing and re-evaluating all of its emergency notification options following the 2017 and 2018 wildfires. Berkeley Fire Department has been considering the idea of installing sirens for at least a year, since January 2018.

ENVIRONMENTAL SUSTAINABILITY

Installing sirens will have an environmental impact due to the construction and maintenance required. They also create noise pollution that can be highly annoying for residents. Poles can be wood, concrete or steel. Sirens can be AC or battery-powered with solar-powered battery back-up as an option.

RATIONALE FOR RECOMMENDATION

The tragedies of the 2018 Camp Fire and the 2017 North Bay fires show the extreme danger that fast-moving wildfire events pose for both residents and responders. The objective of this Commission is to assist policy makers, responders, and residents in achieving the ultimate goal of a smooth-running, extremely fast, safe and effective evacuation with no loss of life.

Currently, Berkeley has several systems available to alert residents of an emergency. See Attachment A, “Alerting Systems Available for Berkeley Emergencies (February 2019)”.

Each of Berkeley’s currently-available alert systems will reach some but not all residents, and most of these systems are only available to people who have opted-in before an emergency, or who are actively seeking information about an emergency – not people who are simply going about their lives.

¹ <http://www.fire.ca.gov/downloads/45-Day%20Report-FINAL.pdf>

² <https://www.nationalgeographic.com/environment/2018/11/how-california-fire-catastrophe-unfolded/>

³ <https://www.nature.com/articles/ncomms8537>

⁴ <https://www.theguardian.com/environment/2018/aug/07/california-wildfires-megafires-future-climate-change>

⁵ <https://sonomacounty.ca.gov/Public-Safety/Emergency-Notification-for-Sonoma-Complex-Fires-2017/>

As an additional concern, failure rates can be high with any one system. In Sonoma County in the 2017 North Bay fires, only 51% of the 290,000 emergency alert calls reached a human or answering machine⁶. Camp Fire failure rates for alerts reportedly ranged from 25% to 94%.⁷

Due to various failures and limitations of emergency alerting, many survivors after the 2017 North Bay fires and the 2018 Camp Fire were left wondering why they did not receive any alert at all. These experiences and tragic outcomes strengthen the importance of redundancy through multiple alert methods.

A modern outdoor siren system, designed to blanket all of Berkeley in sound, would provide an additional layer of coverage where other systems may fail. Sirens can also provide redundancy if other communication channels are disabled due to power outage or cell tower disruption.

Here are several questions and answers about this siren recommendation:

When will sirens be activated? Currently, City staff determine what type of alerts to send out based on the level of danger, how localized the danger is, and how imminent the danger is. Sirens should be incorporated into a holistic plan for warnings and alerts so that they have the best chance of filling any gaps to alert people when there is a serious or life-threatening hazard, including wildfires, chemical spills, or other hazards.

Modern sirens allow for multiple tones, so they can be used for more than one message. In addition to wildfire and other hazard alerting, sirens could potentially be integrated with future earthquake early warning systems, which is already done in Mexico City, to provide a warning before earthquake shaking hits.⁸

This recommendation does not specify the exact criteria for determining when to activate a siren alert; the option of activating sirens should be incorporated into the City's alerting protocol based on the best professional judgement of City staff, and in accordance with appropriate state or federal guidelines.

Any alert or warning technology is only as good as the planning, training, and situational awareness that allows responders to use it well. We recommend that activation criteria and procedures be fully and clearly documented in writing, trained, and tested by City staff on a regular basis:

- Criteria for activating alerts
- Who is authorized to decide to activate an alert
- Content of alerts (message template), as applicable
- Technical operation of the alerting system

⁶ <https://abc7news.com/sonoma-county-tests-emergency-phone-calls-in-wake-of-north-bay-fires/4208459/>

⁷ <https://www.mercurynews.com/2018/12/16/camp-fire-created-a-black-hole-of-communication/>

⁸ <https://eos.org/features/lessons-from-mexicos-earthquake-early-warning-system>

Will people hear them indoors? Outdoor public warning systems are generally considered to be for alerting people who are outdoors, not indoors. However, “practical experience and the results of tests by the Federal Emergency Management Agency (FEMA) and others have shown that siren sounds are quite effective for alerting large populations—including those indoors”⁹

According to a 2006 FEMA technical bulletin, despite the limitations in sound getting inside buildings, “an outdoor [public alert system] can reasonably be expected to alert *some* people inside buildings” and “a properly designed outdoor [public alert system] may also awaken sleeping members of the public in residential areas.”¹⁰ This bulletin reports that the likelihood of a person being awakened from sleep by an outdoor siren ranges from 17% - 52%, depending on the person’s age and the loudness of the sirens.

Consistent with this research, past events also show that sirens are often heard indoors. For example, in the deadly 2011 Joplin, MO tornado, sirens “could generally be heard indoors” although unfortunately many residents did not take action based on the sirens¹¹. Recent siren malfunctions in 2017 and 2018 (in Dallas and Memphis) resulted in a large number of complaints about people being awakened or kept awake by the sirens.¹² And many West Berkeley residents can attest to being awakened from sleep by Bayer plant sirens.

Clearly, the City can’t rely on sirens to alert everyone who is indoors, especially if people are asleep. Sirens may only reach half or a quarter of this population; because of this, sirens should be just one layer in multiple alerting methods that are used. The most effective emergency alerting combines multiple methods, both outdoor and indoor.¹³

We recommend that the selection of tones and frequencies be made to maximize the chance of the siren being audible indoors, as described here: “lower frequency components should be included for better coverage, including components between 225 Hz and 355 Hz for transmission through windows (Mahn 2013).”¹⁴

Will they be confusing? An ongoing public information campaign is an important part of any outdoor public warning system, so that people know what action to take when they hear a siren. Additionally, siren testing should be designed to help the public be aware of sirens and their meaning. Testing should take place at the same time of day and week (e.g. at noon on Tuesdays) to avoid any confusion, and silent testing should be used when possible.

⁹ <https://asa.scitation.org/doi/10.1121/1.2024832>

¹⁰ https://www.midstatecomm.com/PDF/FEMA_guide.pdf

¹¹ <https://www.nist.gov/sites/default/files/documents/2017/05/09/NCSTACmtgDec2013KuligowskiJoplin.pdf>

¹² <http://www.wmcactionnews5.com/2018/11/01/tornado-sirens-falsely-sound-nd-straight-morning/>,

<https://www.nytimes.com/2017/04/08/us/dallas-emergency-sirens-hacking.html>

¹³ https://www.researchgate.net/profile/John_Sorensen7/publication/327226171_Rogers_and_Sorensen_1988_Diffusion_of_Emerg_Warn/links/5b816d40299bf1d5a7270825/Rogers-and-Sorensen-1988-Diffusion-of-Emerg-Warn.pdf

¹⁴ <https://nvlpubs.nist.gov/nistpubs/TechnicalNotes/NIST.TN.1950.pdf>

Here are examples of siren testing programs in locations near Berkeley:

- San Francisco, which has had a siren system in place for many years, tests their system every Tuesday at noon using a single tone for 15 seconds. In an actual emergency, the sound will cycle repeatedly for 5 minutes.¹⁵
- Oakland and UC Berkeley test on the first Wednesday of every month at the same time, using a slow wail for 90 seconds. This is explained to the public as not only testing the system, but “enhancing public awareness” so that if something different from the usual day, time, or tone is heard, the public should turn on radios, computers, phones or TV for more information. Three different tones are used in case of an actual emergency: A 3-minute slight wail means shelter in place, a slow wail means a tsunami, and a fast wail means a fire.¹⁶
- Richmond, which is on the Contra Costa County system, tests on the first Wednesday of every month at 11:00 am for less than 3 minutes, and every Wednesday at 11:00 am using a barely audible sound (known as a “growl test”)¹⁷. There are also two systems in place controlled by the Chevron Refinery.

The typical action that people should take when they hear an emergency siren is to seek more information through other channels, which may include the radio or internet, in order to learn what they need to do next. It’s very important that people get a consistent message from all of these channels, so planning for that output should be included in the holistic alerting plan.

Here are two examples of this process not working well:

- In the 2011 Joplin, MO tornado, sirens prompted people to look for more information, but they got conflicting information from different sources, which led to public confusion and is considered a major contributor to why people didn’t take action and get to safety.¹⁸
- Another example of poorly-managed public information for outdoor public warnings is the Bayer plant in West Berkeley. Bayer alarms occasionally go off and are concerning to neighbors, but there is minimal information available online, and Bayer doesn’t answer a support line after hours.

City of Berkeley would need to do a better job and provide extensive support and education, not only when the system is installed but also on an ongoing basis afterwards, and every time the sirens are activated.

Are they accessible and ADA compliant? A negative feature of sirens is that, like other audible alerts, they are not accessible to people who are deaf or hard of hearing.

Berkeley’s emergency alerting must use a combination of notification methods that can reach all residents. The public outreach campaign should include a very extensive program to reach all

¹⁵ <https://sfdem.org/tuesday-noon-siren>

¹⁶ <http://www2.oaklandnet.com/oakca1/groups/fire/documents/webcontent/oak063278.pdf>

¹⁷ <https://www.ci.richmond.ca.us/331/Community-Warning-System>

¹⁸ <https://www.nist.gov/sites/default/files/documents/2017/05/09/NCSTACmtgDec2013KuligowskiJoplin.pdf>

disabled residents and encourage them to opt-in for alerting that meets their communication needs. This may include distributing weather radios or other in-home devices with strobe light or vibration options as an alternative to siren alerting for people who are deaf or hard of hearing.

We believe that despite this limitation, sirens could help deaf and hard of hearing residents. In emergencies, many people learn about the danger from a neighbor, not directly from official alerts. This is described in the 2018 Camp Fire:

“Some learned about the looming wildfire from neighbors knocking on their doors. Or frantic cellphone calls from friends. Others just looked out their windows and saw the smoke and flames, or heard the chaos of neighbors hustling up children and pets and scrambling to get out.

Matthew White was sound asleep when the fire began raging around his home in Paradise, Calif., the morning of Nov. 8. But somehow he heard his cellphone ring.

It was a friend of his shouting on the other end of the line: “Get the hell up and get the hell out! Paradise is on fire!”¹⁹

The way this helps is analogous to the concept of “herd immunity” or “community immunity” that helps explain how vaccines make communities safer: blanketing the area with a siren will allow a larger percentage of people to get informed and to inform neighbors, and this will improve the level of protection for all, including vulnerable neighbors who may not hear the sirens.

Will they work in a power outage? Outdoor warning sirens can have backup batteries, which can be recharged using solar panels to ensure that they will work during a power outage. They can be controlled by a radio signal from a safe location.²⁰ Sirens may burn down in a fire, but they will at least be able to provide warning until the fire reaches their location.

What other communities in California have sirens? Many communities near Berkeley have sirens, including the City of Oakland and UC Berkeley as well as Contra Costa County, as noted above. Oakland’s sirens were installed as a result of the 1991 Tunnel fire. Lake County installed sirens following the deadly Valley Fire in 2015. Sonoma County is considering installing sirens following the deadly North Bay fires of 2017. Mill Valley is exploring the use of mobile sirens. Berkeley now has the opportunity to install sirens before, rather than after, a disaster occurs.

Will people take them seriously? The decision-making process for people to decide to take action in an emergency is complicated and varies from person to person. *Studies show that people look for confirmation from more than one source before they take action.*²¹ Sirens can reinforce other messages about imminent danger.

¹⁹ <https://www.nytimes.com/2018/11/21/us/paradise-fires-emergency-alerts.html>

²⁰ https://www.dhs.gov/sites/default/files/publications/Outdoor-Sirens-MSR_0315-508.pdf

²¹ <https://www.osti.gov/servlets/purl/6137387>

Although conventional wisdom may worry about a “cry wolf” or “warning fatigue” effect from too many warnings, research about these effects is mixed.²² Ensuring the credibility of the sirens and avoiding a “cry wolf” effect should be considered when choosing a siren system and testing plan.

Can’t the city go door-to-door instead? If there is a fire moving at the scale and speed of recent California wildfires, responders will not have enough time to alert a large portion of the population by going door-to-door. The City will be balancing its resources between fighting the fire, clearing the roads, and knocking on doors. According to Berkeley’s draft Evacuation Plan:

“Community members should not expect door-to-door notifications or assistance from emergency responders during evacuation.”

What is the best siren system? This recommendation does not specify a specific siren brand or system. A 2015 FEMA survey of available siren systems²³ shows that there are many features that can be varied in different systems, including:

- Price
- Number and location of sirens
- Static or mobile sirens
- Materials (concrete, wood, or metal poles)
- Type of sounds (wailing, beeping, voice)
- Power backup
- Methods of activation (in-person, radio, wired, wireless)
- Testing options (low-volume and silent testing)

We recommend that Berkeley select a system that provides the most cost-effective solution to meet the goals described in this recommendation: providing reliable coverage for the maximum number of Berkeley households possible, while offering enough flexibility of controls so that sirens can be effectively integrated into a complete alerting protocol.

ALTERNATIVE ACTIONS CONSIDERED

Several interrelated recommendations were made to City Council in 2017 and 2018 addressing fire safety and community disaster preparedness. These recommendations included many possible actions covering a broad range of preparedness and hazard mitigation activities. Progress is already being made on some of these priorities.

Sirens should be part of a suite of emergency alerting options; other options could also be enhanced in addition to this one:

- Berkeley could forgo installing sirens, and focus on improving existing protocols to get the maximum effectiveness from the existing suite of alerting tools, particularly Wireless

²² <https://nvlpubs.nist.gov/nistpubs/TechnicalNotes/NIST.TN.1950.pdf>

²³ https://www.dhs.gov/sites/default/files/publications/Outdoor-Sirens-MSR_0315-508.pdf

Emergency Alerts (WEA, also used for Amber Alerts). A new set of guidelines for WEA and Emergency Alert System (EAS) alerting is expected from Cal OES in July 2019, and Berkeley will be required to comply with those guidelines within six months. We look forward to Berkeley's continued improvement of these protocols.

- Mass distribution of NOAA weather radios has been discussed as an alternative to sirens. However, the cost to distribute weather radios to every household in Berkeley would reach \$1+ million, and each radio would need to be programmed to receive appropriate alerts. It would also be challenging to ensure proper maintenance and testing of the radios over time. However, a limited distribution to residents who are deaf and hard of hearing should be considered as an accessible supplement to sirens.
- Relying on police and fire vehicle apparatus (bullhorns or sirens) is another option. However, these have a limited audible range²⁴ and would not be able to alert large portions of the city at once. There may also be physical obstacles that could limit the ability of vehicles to reach all the areas that need alerting. It should not be forgotten that such systems may have a substantial role to play in an early warning system specifically designed to evacuate seniors and people with disabilities.

CITY MANAGER

The City Manager appreciates the research and work put into this report by the Disaster and Fire Safety Commission. A siren alerting system could be a valuable tool for use in the City's overall emergency notification system. Given the number of modern options for sirens, the high cost in purchase and replacement of such a system, and the additional FTE that would be necessary to install and maintain the system, the Fire Department is researching options and alternatives. The City Manager refers this to the budget process for consideration of funding sources and prioritization with the overall needs of the City.

CONTACT PERSON

Keith May, Assistant Fire Chief, Berkeley Fire Department, 510-981-5508

Attachments:

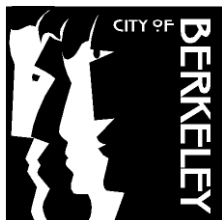
- 1: Attachment A: Alerting Systems Available for Berkeley
- 2: Attachment B: Memorandum: Alerting and Warning System Project Update, November 2004

²⁴ <https://www.fireapparatusmagazine.com/articles/print/volume-22/issue-4/features/siren-limitation-training.html>

ATTACHMENT A
Alerting Systems Available for Berkeley Emergencies (February 2019)

Alerting system	Requires Opt-in?	Description	Reaches these people	Will not reach these people
Systems to alert people who are not actively seeking information:				
WEA (Wireless Emergency Alert)	Does not require opt-in	An Amber Alert-style message with a loud squawking sound, vibration, and brief text message on cell phones.	Anyone with a cell phone that is powered on. Reaches all phones in an area, including residents and visitors passing through.	Anyone without a cell phone or with their cell phone in airplane mode or fully turned off. It is also possible for people to opt out of WEA alerts.
AC Alert (Alameda County Alert)	Requires opt-in except landlines	Sends emergency messages by landline phone, email and cell phone.	Houses with a landline, plus people who have opted in for cell phone or email messages. Reaches people based on their residence address, not their current location.	Anyone without a landline, unless they have opted in. Only 5-10% of Berkeley residents have opted in to this system. ¹
Emergency Alert System	n/a	National public warning system that broadcasts on TV, radio, cable, and satellite TV. Also broadcasts to weather radios.	Anyone who is watching or listening to broadcast TV or radio in a specified area.	Anyone not watching or listening to a live TV or radio broadcast at the time of the emergency. Streaming (Netflix, Hulu etc.) do not show EAS messages.
Nixle	Requires opt-in	Sends messages by email and cell phone and on the web. Often used for lower-urgency messages.	Anyone who has signed up to get messages.	Anyone who has not signed up.
Information that people can actively seek in an emergency, but won't receive passively:				
City Website, Twitter, Facebook, Nextdoor	n/a	The City plans to post emergency messaging on the City website and social media.	People who are actively seeking information, able to access the internet, and know where to look for City information.	Anyone not actively seeking information online, or not able to access the internet.
1610 AM Radio	n/a	The City plans to output emergency messages on 1610 AM radio.	People who are actively seeking information, have a radio, and know to go to 1610 AM.	Anyone not actively seeking information online, or who does not have a radio. Also, 1610 AM radio does not reach all of Berkeley.

¹ Estimate based on data from Berkeley Office of Emergency Services, 3/29/2019.



Department of Fire and Emergency Services
Office of Emergency Services Division
William Greulich, Manager

MEMORANDUM

Date: November 5, 2004

To: Phil Kamlarz, City Manager

Cc: Lisa Caronna, Deputy City Manager
Arrietta Chakos, Chief of Staff
Reginald Garcia, Fire Chief
Roy Meisner, Police Chief

From: Bill Greulich, Emergency Services Manager

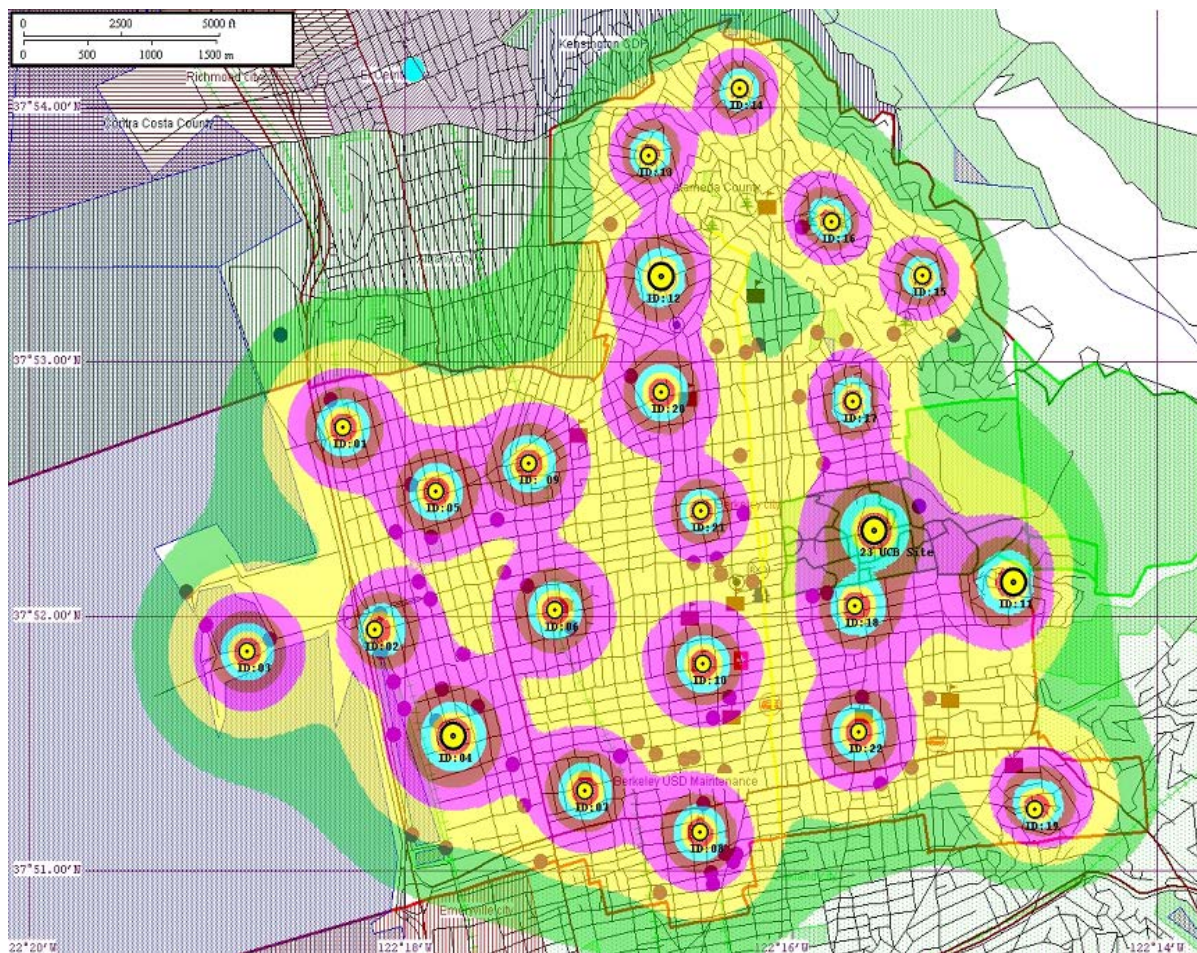
Alerting and warning system project update and recommendations for further action

As discussed in our quarterly meeting of May 28th, here is a summary of work completed to date and my recommendations for further action.

The first phase of the project as outlined in my memorandum of October 14, 2003, "Berkeley Outdoor Warning System (Siren) Project Recommendation" has been completed. Hormann America, Inc. of Martinez, CA in partnership with ProComm Marketing was awarded the contract under IF-9046-04 for \$9,250. Hormann and ProComm designed, installed and continue to support Contra Costa County and the City of Oakland Alerting and Warning Systems (AWS).

Based on criteria derived from the FEMA "*Outdoor Warning Systems Guide*", Civil Preparedness Guideline 1-17, Hormann produced a design requiring the placement of 23 sirens (19 @ 118 dB and 4 @ 121 dB). This design was field verified at four Berkeley locations.

Here are my recommendations.



Sound intensities are shown as contours, the outermost is 70 – 75 dB.

Recommendations –

1. Discontinue the implementation of a citywide siren system. Implementation of a citywide siren system is of limited emergency value, may be detrimental to the health of the community, and exhibits poor cost benefit characteristics.

Cost considerations –

The non-recurring capital estimate is based on City funding of 21 sirens totaling **\$801,000**. This is in alignment with the cost to the City of Oakland of \$1.03 million for 27 units. There would be recurring costs associated with power and maintenance.

The initial public education campaign is estimated at **\$100,000**. There would be recurring costs associated with public education.

Cost estimates for the permitting process are difficult. It is likely that significant staff time would be required to complete an EIR and the other associated work. It is estimated that **0.5 FTE** of City staff would be necessary over a six-month period to accomplish this.

Public and Environmental Health Consequences -

The FEMA “*Outdoor Warning Systems Guide*” has guided the design of siren systems nationwide since May of 1980. Recent work has challenged some of the fundamental assumptions on which the guide was based. The current conclusion is that 123 dB sources will likely be considered “highly annoying” by a noticeable segment of the population.

The FEMA guide also proposed the public would accept loud warning devices regardless of their perceived annoyance because of the potentially life saving value. This belief however, does not accurately reflect the possibility that a 118 or 121 dB sound could in fact contribute to public hearing loss, especially to those who are most sensitive, such as children or the frail. While the guide makes a valid point in light of a life-threatening emergency, it does not accommodate the need to activate the sirens regularly to familiarize the public with their existence. A perceived reduction in quality of life is likely in those members of the community who view the siren testing as “highly annoying”. This phenomenon was demonstrated during the field-testing of Phase I.

City Environmental Health staff has concluded that the sirens would qualify for the emergency use exemption of the City Noise Ordinance. It is also their conclusion that preparation of an Environmental Impact Report (EIR) would be necessary.

Siren System Efficacy -

Sirens target only the community members capable of hearing the warning or alerting tone. Many factors contribute to limiting the number of people who are able to recognize the alert or warning. These include hearing impairments, being inside a building at home, school or work, in an automobile, or in a higher noise environment, i.e. listening to music or operating a power tool.

Hearing a siren sounding is not enough in and of itself. In order to be effective the public must know the system exists before it is used, how to recognize an alert, warning, or test, and what subsequent actions are expected or necessary.

2. Continue to work with Toxics Management and the two private facilities covered by the California Accidental Release Prevention Program (CalARP).

Hazardous materials and the related use of such materials in an act of terror are the best matches to a citywide siren system. In fact, the “East Bay Corridor of Safety” community direction of “Shelter, Shut and Listen” comes from the Contra Costa County alerting and warning system which is focused on and funded by local chemical manufacturing companies. Two facilities in Berkeley possess hazardous materials in quantities requiring implementation of State accidental release prevention programs. Sirens would benefit the community in the event of a release of material from either of these facilities.

3. Continue to work with UCB and the “Corridor of Safety” concerning their siren programs.

UCB has a limited outdoor warning and alerting system in place. Neighboring communities, in particular the City of Oakland, have sirens that may also impact Berkeley when activated.

These agencies have not currently produced a complete, integrated set of procedures and protocols for system activation. It is recommended that staff continue to work with UCB and the “Corridor of Safety” on the creation of protocols for the activation of their systems.

4. Investigate alternative alerting and warning technologies – mobile siren.

Berkeley has a history with these systems and has experienced their lack of utility in public safety programs and their long-term resource burden. However, the potential use of a small number of deployable or mobile sirens with voice capability may be valuable. Mobile sirens could be pre-deployed or brought to areas of high risk as needed, such as placement in the Hills during fire season. Addition of a voice capability could expand their utility as a potential public address tool. While they would be more costly on a unit basis, the city would not need to purchase a large number, and a basic capability in outdoor warning might be had at a more affordable cost.

5. Investigate alternative alerting and warning technologies – weather radio.

Currently, only two Federal programs exist to alert and warn the public, the commercial radio and television based Emergency Alerting System (EAS), and the National Weather Service (NWS) weather radio program. The City of Berkeley has the ability to utilize the EAS; it is recommended the City investigate the weather radio program. The program is very simple. Radios are available which turn themselves on when a NWS alert signal is received. Community members are not burdened by having to listen all the time to the warning station. The NWS signal is broadcast from a tower in San Francisco or on Mt. Diablo. Several key findings are:

- The radios can be placed anywhere, including in schools, and with members of vulnerable populations.
- The alert would be citywide; all radios in the reach of the Diablo or SF tower would be activated.
- The radios are affordable at approximately \$30 each.
- The radios do not have any obvious adverse health impact and can be acquired with visual aids for the hearing impaired.
- Significant Federal support for this program exists.

It is recommended that staff investigate the possibilities of utilizing the NWS system.



Office of the City Auditor

CONSENT CALENDAR
May 14, 2019

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor *zw*

Subject: 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale

RECOMMENDATION

We recommend City Council request that the City Manager report back by November 19, 2019, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Police Department.

FISCAL IMPACTS OF RECOMMENDATION

The Communications Center risks losing State funding if it is not able to reach call-answering targets. Investing in adequate staffing and additional resources will allow the Communications Center to answer 911 calls within those required timeframes. The cost of much-needed resources will depend on the outcome of the staffing analysis we recommend that the Police Department complete to determine appropriate staffing levels now and in the future.

Life should not be measured in dollars. Without sufficient staff, it takes longer for call takers to answer 911 calls. The faster that dispatchers can get a police officer, firefighter, or paramedic to the scene, the better the chances of a good outcome.

CURRENT SITUATION AND ITS EFFECTS

It is taking longer than previous years for call takers to answer 911 calls. The Communications Center's staffing levels are not sufficient to meet current call demands and, with predicted population growth, the Center will soon need even more resources to maintain its emergency response service levels.

Due to consistent understaffing, the Communications Center relies heavily on overtime to meet minimum staffing requirements, spending nearly \$1 million per year on overtime. The Police Department works to fill vacant positions, but the hiring and training processes are lengthy and extensive. There are opportunities to improve those processes to reduce both the number of continuous vacancies and the significant reliance on overtime. Understaffing also leads to low morale in the Communications Center. Dispatchers say that they do not feel supported and that they do not have the time needed to take care of their physical and mental health. Police management has taken some steps to address the low morale, but there is more to be done to address dispatcher needs.

We recommend that the Police Department conduct a staffing analysis to determine appropriate staffing levels, create a recruitment and continuous training plan for dispatchers, establish a call-taker classification; and implement automated scheduling software to better inform future budgeting decisions, decrease the reliance on overtime, and relieve the burden placed on overworked staff.

We also recommend that the Police Department implement programs to increase morale and staff communication. These include establishing routine meetings with dispatch supervisors, sworn police, and fire personnel; and a comprehensive stress management program.

BACKGROUND

The Police Department Communications Center serves as Berkeley's 911 public-safety answering point, receiving all emergency and non-emergency police, fire, and medical calls and dispatching public-safety personnel to respond as appropriate. The 2018 City budget authorized 33 non-sworn full-time equivalent positions for the Center, including 28 public safety dispatchers, four supervisors, and one manager. The City has not added to the Communications Center dispatcher staffing levels since 2004.

ENVIRONMENTAL SUSTAINABILITY

Our office manages and stores audit workpapers and other documents electronically to significantly reduce our use of paper and ink. Our audit recommendation for the Communications Center to use modern staffing software could also reduce the use of paper and ink.

RATIONALE FOR RECOMMENDATION

The seconds it takes to answer and prepare a 911 call for dispatch can mean the difference between life and death. Implementing our recommendations will enable dispatchers to answer calls within required timeframes by ensuring the Communications Center is appropriately staffed and supported.

CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

Attachments:

- 1: Audit Report: 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale, issued April 25, 2019

Audit Report
April 25, 2019

911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale



BERKELEY CITY AUDITOR



911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale

Report Highlights

April 25, 2019



Findings

- It is taking longer than previous years for call takers to answer 911 calls and the Communications Center does not have enough call takers to answer the current 911 call volume. We also found that, with predicted population growth, the Communications Center would likely need additional resources in the future to maintain its emergency response services.
- Due to consistent understaffing, the Communications Center relies heavily on overtime to meet minimum staffing requirements, spending nearly \$1 million in 2017 on overtime.
- Morale in the Communications Center is low and dispatchers feel unsupported. We found that there are some resources available for staff to manage stress; however, dispatchers often do not have time to access them.



Recommendations

We recommend that the Police Department conduct a staffing analysis to determine the appropriate staffing levels, create a recruitment and continuing training plan for dispatchers, establish a call taker classification, and implement automated scheduling software to provide information to inform future budgeting decisions, decrease the reliance on overtime, and relieve the burden placed on overworked staff.

We also recommend that the Police Department implement programs to increase morale and communication. These include recommendations to establish routine meetings with dispatch supervisors, sworn police, and fire personnel, and to establish a comprehensive stress management program.

Objectives

1. To what extent does the Communications Center, which answers 911 calls, have sufficient staffing to handle workloads and service demands?
2. What contributes to overtime use?
3. How do working conditions affect morale?

Why This Audit Is Important

The Police Department Communications Center serves as Berkeley's 911 public safety answering point, receiving all emergency and non-emergency police, fire, and medical calls in the city and dispatching public safety personnel to respond as appropriate. To ensure the wellbeing of the public, police officers, firefighters, paramedics, and dispatchers, the City must maintain a Communications Center that is appropriately staffed. Without sufficient staff, it takes longer for call takers to answer 911 calls. The faster the Communications Center can get a police officer, firefighter, or paramedic to the scene, the better the chances of a good outcome. The seconds it takes to answer and prepare a call for dispatch can mean the difference between life and death.



BERKELEY CITY AUDITOR

For the full report, visit:
<http://www.cityofberkeley.info/auditor>

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Page 4	Background
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Page 12	Reliance on Overtime
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Page 25	Management Response Summary
Page 26	Appendix I—Methodology and Statement of Compliance
Page 29	Appendix II—Dispatcher Morale Survey: Design, Efforts, and Results
Page 32	Appendix III—Recommendations and Management Response

Introduction

We identified workload capacity as an immediate concern to the City’s operations and strategic planning in our fiscal year 2018 Audit Plan. We, therefore, included in our audit plan a series of audits that evaluated the City’s ability to provide expected and critical services to the Berkeley community. To ensure the wellbeing of the public, police officers, firefighters, paramedics, and dispatchers, the City must maintain a Communications Center (Center) that is appropriately staffed. Without sufficient staff, it takes longer for call takers to answer 911 calls. The faster the Center can get a police officer, firefighter, or paramedic to the scene, the better the chances of a good outcome. The seconds it takes a call taker to answer and prepare a call for dispatch can mean the difference between life and death.

Objectives, Scope, and Methodology

Our objectives were to determine:

1. To what extent does the Communications Center, which answers 911 calls, have sufficient staffing to handle workloads and service demands?
2. What contributes to overtime use?
3. How do working conditions affect morale?

We examined the Center’s call volume data for calendar years 2013 through 2017, performed interviews, and conducted a survey to gain an understanding of the program. We specifically assessed minimum staffing levels, call answer performance, overtime, recruitment, retention, training, and morale. For more information, see p. 26.

Background

The Public Safety Dispatcher (dispatcher) is often the unsung first responder of the emergency response team. Dispatchers are highly trained professionals, who gather essential information from callers and dispatch the appropriate response team to the scene. They take control of situations that may be chaotic, stressful, confusing, and traumatic. They must be quick-thinking, organized, levelheaded, and confident in their abilities. Dispatchers are at the core of a coordinated emergency response and must make split-second decisions in order to ensure the safety of responders and the public.

The Center, run out of the Police Department, serves as Berkeley’s 911 public safety answering point (PSAP), receiving all emergency and non-emergency police, fire and medical calls in the city and dispatching public safety personnel to respond as appropriate. To ensure the wellbeing of dispatchers, police officers, firefighters, paramedics, and the public, the City must maintain a Center that is appropriately staffed.

Structure, Staffing, and Training

The Center is part of the Support Services Division of the Berkeley Police Department, overseen by a sworn police captain. The Center is staffed 24 hours a day, 365 days of the year by a team of trained dispatchers under the direction of a non-sworn manager. Sworn personnel take an oath to support the Constitution of the United States and the laws of the state and local jurisdiction. This includes police officers and detectives. Non-sworn (civilian) personnel do not take an oath and have limited legal powers or none at all. This includes dispatchers and parking enforcement officers.

Figure 1. Berkeley Police Department Organizational Chart



Source: City of Berkeley 2018-2019 Biennial Budget

The 2018 City budget authorized 33 non-sworn full-time equivalent positions for the Center, including 28 public safety dispatchers, four supervisors, and one manager. At the end of May 2018, the Police Department had only filled 23.5 of the 28 authorized full-time equivalent dispatcher positions and was

actively recruiting for new hires. In addition to civilian dispatchers, the Center utilizes three additional Police personnel who work overtime as call takers to meet minimum staffing levels on an as-needed basis and dependent on their availability.

Dispatcher Roles

Dispatchers have four primary roles: call taker, records desk operator, fire radio dispatcher, and police radio dispatcher. All Berkeley dispatchers are cross-trained and may perform any function during a shift.

Table 1. Dispatcher Work Positions and Duties

Position	Duties
Call Taker	<ul style="list-style-type: none"> Accepts and processes inbound 911 and administrative calls for police, fire, and medical services as well as other services such as animal control Inputs call information into Computer-Aided Dispatch (CAD) system and transfers the information to fire and police dispatcher staff
Records Desk Operator	<ul style="list-style-type: none"> Monitors and responds to radio transmissions on a designated channel Conducts warrants, license, and other checks on persons of interest and vehicles
Fire Dispatcher	<ul style="list-style-type: none"> Dispatches all fire and medical related calls* requiring a response from firefighters or paramedics Maintains radio contact with field staff
Police Dispatcher	<ul style="list-style-type: none"> Dispatches all police related calls requiring a response from law enforcement Enters all officer initiated incidents into CAD such as pedestrian and traffic stops Maintains radio contact with field staff

*Dispatchers route all medical calls requiring pre-arrival instructions to Alameda County.

Source: City of Berkeley Communications Center Manual

It is taking longer to answer 911 calls and there are not enough call takers.

It is taking longer for the City to answer 911 calls because the Communications Center (Center) does not have enough call takers. The number of budgeted dispatchers has remained the same even as call volume has increased. The Center uses a staff-forecasting tool, but has not conducted a thorough staffing analysis to determine the number of dispatchers needed on each shift and the total number of dispatchers needed to staff the Center 24/7. Without a thorough staffing analysis, the Police Department cannot inform future budgeting decisions of dispatcher positions.

It Is Taking Longer to Answer 911 Calls, Falling Below State Standard

The Center is taking longer to answer 911 calls. The faster the Center can get a police officer, firefighter, or paramedic to the scene the better the chances of a good outcome. The seconds it takes a call taker to answer and prepare a call for dispatch can mean the difference between life and death.

California has a state standard requiring public safety answering points to answer 95 percent of 911 calls within 15 seconds. The state standard does not apply to non-emergency calls. Call data from the State's Emergency Call Tracking System (ECaTS) indicates the Center did not meet the performance target in answering 911 calls in two of the last five calendar years (as shown in Table 2). The data shows that in 2017, dispatchers only answered 89 percent of calls within 15 seconds. If the Communications Center is not able to reach this call answer target, they risk losing State funding in the future.¹



Call taking is one of the four primary roles of a Berkeley dispatcher. All dispatchers are cross-trained to perform any function. A call taker accepts and processes inbound 911 and non-emergency telephone calls for police, fire, and medical service. They input call information into the CAD system, which provides information to Police and Fire dispatchers. Call takers also answer and transfer calls intended for other Police units and other City departments.

¹ Funding from the State is contingent upon adherence to the state's mandatory standards including call answer times. In early 2016, the 911 Emergency Communications Branch of the Governor's Office of Emergency Services issued a review of fiscal and operational policies of the Berkeley Communications Center covering the time period of March 2015 through March 2016. The state found that the Communications Center was meeting the call answer standard and estimated that they will receive approximately \$161,000 in state funding over the next five years. This includes reimbursement for language interpretation calls, ECaTS expenses, annual training allotment, and maintenance/upgrades of the phone system.

Table 2. 911 Call Answer Performance

Calendar year	Percent answered within 15 seconds	Average answer time (seconds)	Total 911 calls (Police, Fire, Medical)	Average call duration (seconds)
2013	92%	9	49,579	81
2014	95%	9	54,599	80
2015	95%	9	54,190	88
2016	96%	8	52,520	91
2017	89%	10	55,587	100

Source: ECaTS data

Call Volume Has Risen but Staffing Has Stayed the Same

The Center is experiencing more calls, but staffing has not increased to keep up with the call volume. Rapid population growth in Berkeley since the 2010 Census is creating unprecedented challenges for public safety personnel as more people are calling 911. As Berkeley’s population has risen, so has the number of calls into the Center, both emergency and non-emergency. In 2013, the Center handled 184,000 calls, including emergency, non-emergency, and outbound calls. There was a significant increase in call volume in 2017, rising to over 256,000 calls for the year (Figure 2). According to the data, the majority of this increase came from a rise in non-emergency calls into the Center and outbound calls from the Center. Call volume data does not explain why there was an increase and the Police Department could not provide support for the increase.

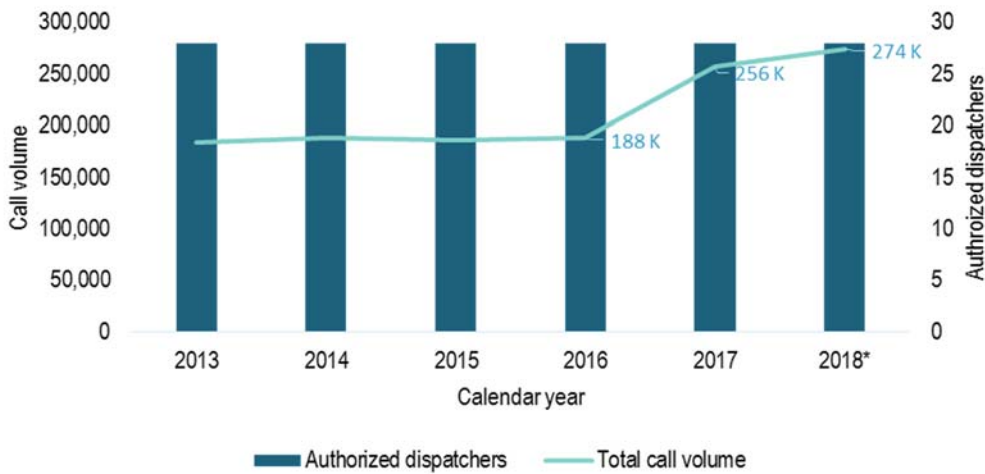
In early 2017, the Department installed a new phone system. According to the Department, they believe that the old phone system was capturing incomplete non-emergency call volume data and the newly installed system is capturing complete call volume data. The Department was unable to provide evidence to support this theory but did provide us with 2018 call data to demonstrate that the call volume continues to be much higher than captured before the phone installation. Regardless of whether the increase in call volume was an actual increase in calls or just the data captured, the Department has not increased staffing in response to the noted increase in call volume. The Center has not had an increase in budgeted dispatcher positions since 2004. The number of authorized dispatcher positions remains at 28.



In early 2016, the 911 Emergency Communications

Branch of the Governor’s Office of Emergency Services issued a review of fiscal and operational policies of the Berkeley Communications Center covering the time period of March 2015 through March 2016. The state found that the Communications Center was meeting the call answer standard and estimated that they will receive approximately \$161,000 in state funding over the next five years.

Figure 2. Call Volume for Communications Center Increased with No Change in Authorized Staffing



*The Police Department provided us with only summary data for calendar year 2018. We did not assess the reliability of the summary data as it was not part of our audit scope. We provide it here because there was a significant increase in non-emergency and outbound calls after 2016, which the Department largely attributes to a new phone system, as well as an increase in calls. Providing the 2018 data for comparative purposes helps demonstrate the Department’s hypothesis.

Note: Total call volume includes emergency, non-emergency, and outbound calls.

Source: City of Berkeley Biennial Budgets, ECaTS, and auditor analysis

Center Is Understaffed by One Call Taker Each Shift

Based on the Communications Center’s current shift staffing model, the Center is understaffed by one call taker at all times of the day to handle 911 calls. The National Emergency Number Association (NENA) published a staffing guidelines report that we used to determine the adequate call taker staffing for the Center.² According to our analysis, the Center should have a minimum of three call takers on shift during normal hours and four calls takers on shift during busy hours. However, the Center is not able to follow the NENA guidelines with current budgeted staffing levels. Instead, the Center must set its current minimum staffing levels to include only two call takers during normal hours and three call takers during busy hours. Management determines these levels based on the current minimum staffing and an analysis of call volume. Management stated that the current shift staffing levels are low compared to the call volume and they are unable to adopt higher minimum staffing numbers due to the consistent understaffing of dispatcher positions.

² We conducted the staffing analysis using the Erlang C mathematical formula and the results are based on 911 call volume; call duration; and queuing theory. For more information, see methodology section.

During this audit, the Police Department implemented a phone tree on the non-emergency lines in an effort to maximize the efficiency of call takers. The goal is to route calls for service needing a non-emergency response in the most expedient manner possible. This will help ensure that call takers are answering fewer non-emergency calls that they would normally transfer to a different agency or City Department. It is too early in the implementation to understand how the phone tree will affect the overall workload of call takers. A more in-depth analysis of non-emergency call volume is needed to understand the workload impact of these calls with the implementation of the phone tree.

Additional Resources Are Necessary to Maintain 911 Services in the Future

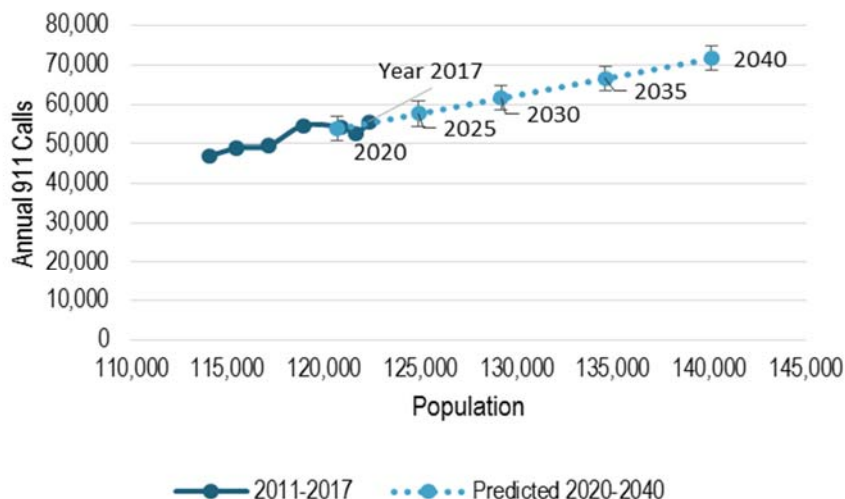
The City of Berkeley's population grew rapidly in the ten years following the 2000 Census. The population rose by almost nine percent to 112,580 according to the 2010 Decennial Census. The City continues to grow approximately one percent every year. The Association of Bay Area Governments (ABAG), projected Berkeley's population to grow 24.4 percent between 2010 and 2040, to about 140,100 people. If the City's population grows to 140,100 people by 2040, the Communications Center's annual call volume may grow to between 253,000 and 350,000 total calls and of those calls, 68,500 - 75,000 would be 911 calls (Figure 3).³ While population is a good indicator of 911 call volume, additional factors should be considered when planning for the future. Some of those considerations include crime rate, public access to affordable health care, and local attitudes on the use of 911.



Non-emergencies: General calls related to the Police or Fire Departments that do not pertain to an immediate threat to life or property. This includes situations that may be criminal in nature, but do not require immediate attention. These non-emergency calls include "cold-crimes," vehicle complaints, and routine civil matters.

³ Our analysis did not take into account additional factors that may influence 911 call volume.

Figure 3. 911 Calls May Grow Above 70,000 by 2040



Sources: US Census, American Community Survey, ABAG 2013 Projections, Auditor analysis

Next Generation 911 and Proposed Fire Department Changes Could Further Burden Call Center Capacity

Berkeley is preparing to upgrade to Next Generation 911 (NG911). The purpose for this upgrade is to create a more successful and reliable network of 911 systems nationwide that are able to accept voice, video, photo, and text messages. Some local jurisdictions, including San Francisco, Fremont, Hayward, and Alameda County, are already accepting 911 text messages. While the Federal Communications Commission encourages all call centers to begin accepting texts, it is up to each center to decide on a method of implementation. Berkeley is not yet set up to accept text messages but has started to make changes to prepare for NG911, including upgrading its systems. Additional staffing is likely necessary to handle the more complex service demands.

The Fire Department desires to add emergency medical dispatching capabilities to the Center, in keeping with regional standards. Currently, medical calls are transferred to Alameda County Regional Emergency Communications Center for this service. Providing in-house emergency medical dispatching would allow the Center to triage medical calls and provide immediate pre-arrival instructions from dispatchers with direct communication to responders. This will require additional resources, including staff, equipment, physical space, procedures, and training. Emergency medical dispatching will also increase call duration times as



An emergency medical dispatcher gathers information related to medical emergencies, dispatches the appropriate EMS response, provides assistance and instructions to callers over the phone prior to the arrival of emergency medical services, like how to administer CPR. They also communicate with responding units.

someone from the Center will need to stay on the line with the caller until the responding unit arrives. This will increase call time and, therefore, decrease the Center's availability to answer calls without sufficient increases in staffing.

The physical space the Center currently occupies is small and at capacity. There is no room to add workstations for dispatchers. To prepare for increases in call volume and services, Police can begin to plan now, including looking for a bigger space to run the Center. They will quickly outgrow their current resources with any increase in the minimum staffing levels.

Recommendations

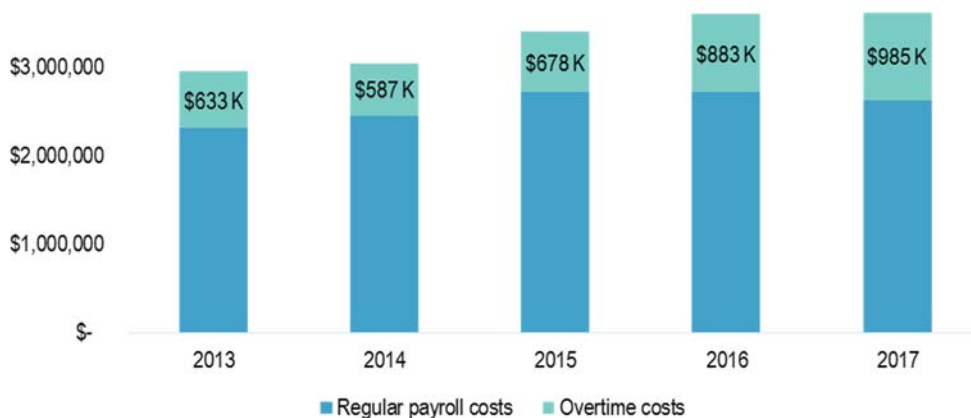
To address public safety service demands, we recommend the Police Department:

- 1.1 Conduct an annual staffing analysis of required minimum staffing levels and budgeted dispatchers to ensure budget staffing requests and scheduling efforts meet demand and limit the use of overtime where possible. Use the staffing analysis to communicate to Council and the public during the annual appropriations process:
 - Service level demands;
 - The full-burdened cost of budgeting for additional staff;
 - Whether there is sufficient funding available to budget for the additional staff or a shortfall (quantified in dollars); and
 - Additional staffing requests, if needed.
- 1.2 Use the staffing analysis performed in response to recommendation 1.1, to determine future resource needs of the Communications Center, including staffing, equipment, and physical space. Take into account planned changes to services and factors that may influence call volume.

The Communications Center relies on significant overtime leading to inadequate training and an unhealthy work environment.

Due to consistent understaffing, the Center relies heavily on overtime to meet service demands through minimum staffing requirements, spending nearly \$1 million in 2017 on overtime (Figure 4). Historically, recruitment and training processes left the Police Department unable to fill vacant positions in the Center. During this audit, the Department invested additional resources to improve department-wide recruitment efforts. There are further opportunities to strengthen the Department’s recruitment and training efforts for dispatcher positions. The lengthy hiring process also contributes to the ongoing vacancies and related overtime costs. In particular, delays occur during the extensive background investigations when recruitments for police officers take priority over dispatchers.

Figure 4. Communications Center Total Annual Payroll vs. Overtime Costs, Calendar Years 2013-2017

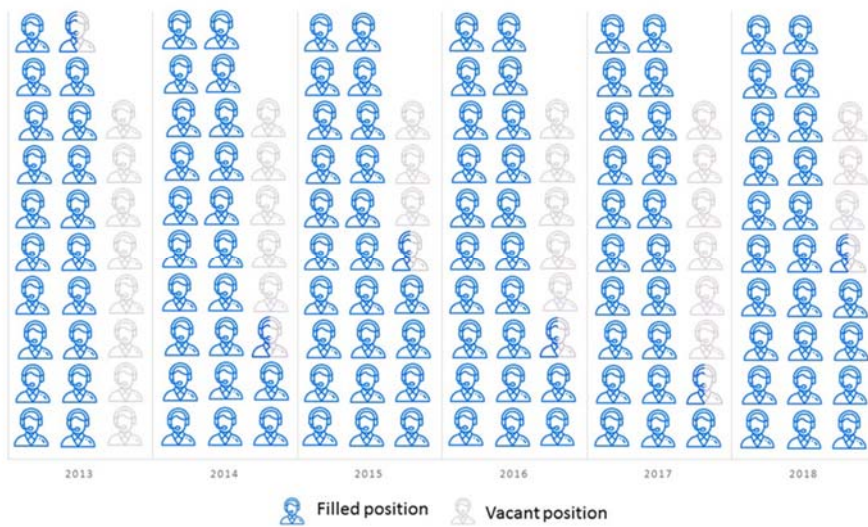


Source: City of Berkeley Cognos payroll data, Auditor analysis

Position Vacancies Lead to Excessive Overtime Use

Historically, the Center has struggled to reach full staffing of the current budgeted positions. Between 2013 and 2018, the Center had between 3.5 and 8 dispatcher position vacancies. In order to meet minimum staffing requirements, supervisors schedule existing employees for mandatory overtime to fill vacant shifts.

Figure 5. Dispatcher Positions Have Historically Been Understaffed, 2013-2018



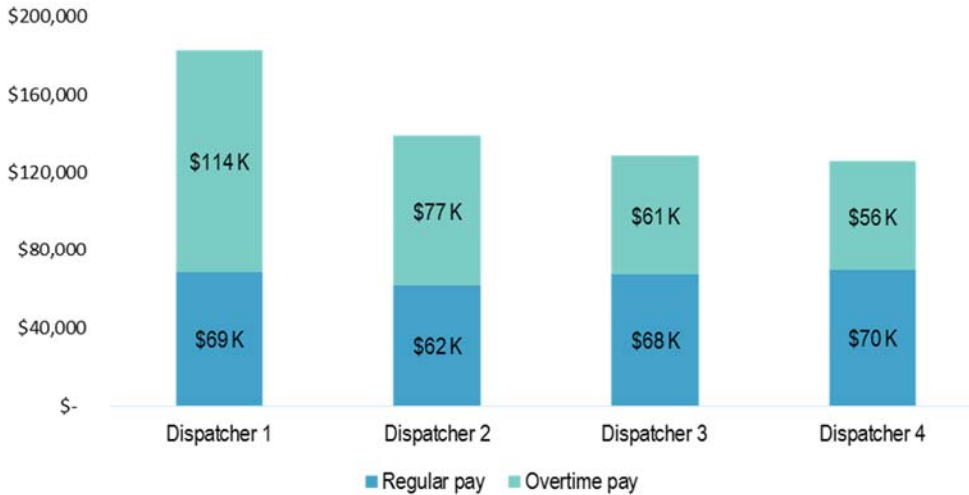
Source: City of Berkeley Human Resource staffing reports

If the Police Department fills all the vacant positions in the Center, they would be able to reduce the amount of overtime. The nearly \$1 million spent in overtime in 2017 is offset by the current budgeted vacant positions in the Center. However, even if Police fill all the vacant dispatcher positions, the Center would continue to be understaffed according to NENA staffing guidelines. We recognize that the some amount of overtime is necessary for all public safety positions due to unplanned absences and events that may require an increase in staffing levels, but there is room to decrease the amount needed.

Excessive Overtime May Lead to Fatigue and Safety-Related Incidences

The four dispatchers working the most overtime in the Center received 40 percent of the 2017 overtime paid (Figure 6). This much overtime may contribute to worker fatigue and decreased quality of service.

Figure 6. Top Four Overtime Earners in Calendar Year 2017



Source: City of Berkeley Cognos payroll data

Although overtime is generally less expensive than hiring additional staff because overtime pay excludes benefits, there are important non-financial benefits to reducing overtime by hiring additional dispatchers. Dispatching is a high-stress job that requires dispatchers to be alert and use good judgement. Overtime, when used in excess, can inhibit these essential skills, threatening the safety of responders and the public. For example, in a traffic stop, dispatchers may need to tell an officer if someone is on parole or probation; has a warrant; has a weapons history; or is in a stolen vehicle. All this information allows the officer to make informed decisions about how to approach a situation safely. Therefore, dispatchers must be alert and ready to quickly convey information.

The continued use of overtime is not an ideal situation for any public safety position and exposes staff to an unhealthy work environment. Studies have shown that in law enforcement and across other industries, working excessively long work shifts, particularly those that are 12 hours or more, can lead to fatigue and safety-related incidents, and decrease quality of service, communication, and cognitive performance. By filling vacant positions, the Center can reduce their reliance on overtime and reduce the risk of employee burnout and potential workers compensation claims that may result from overworking.



The Communications Center's current staffing policy allows individuals to sign up for four voluntary overtime shifts at the beginning of each two-week scheduling period for up to 15 hours each. This is equal to a maximum of 60 hours of overtime over two weeks. When added to regular time, an individual could potentially work 70-hour weeks with shifts up to 15 hours in length. When supervisors do not have enough volunteers to work overtime, they schedule dispatchers to work mandatory overtime shifts.

"Our mandatory overtime creates a very stressful environment while at work and extremely poor health and quality of life outside of work. When can we sleep when we are working 14.5-16 hour shifts each day?" – Berkeley Dispatcher

Manual Scheduling Is Time Consuming and Subject to Errors

The Center's staffing processes are not automated. Supervisors are responsible for creating and maintaining manual schedules, including any overtime, or changes to the schedule due to absences. As a result, the task of meeting daily scheduling and staffing needs is cumbersome, time-consuming, and prone to human error. The manual process for filling overtime is even more complex as supervisors must adhere to complex union labor agreements and overtime policies. The supervisor in charge of scheduling said that it is a difficult job and it gets complicated when dealing with overtime and filling absences. She said that sometimes she makes mistakes and has to scramble to find someone to fill a position to reach minimum staffing. Automating the scheduling system will allow the Center to ensure that scheduling adheres to all policies.

Police Department Can Improve Dispatcher Recruitment Efforts

The Police Department is responsible for all recruitment efforts for the entire Department, not just those for dispatchers. The Department has shown a commitment to improving the recruitment process by dedicating resources to general Department recruitment efforts. The Chief of Police approved the creation of a four-person recruitment team within the Personnel and Training Bureau. The team will develop better branding and marketing of the Department and career paths for sworn and civilian positions.

The Police Department recently opened the Public Safety Dispatcher II classification to continuous recruitment; however, they do not continuously recruit for entry-level Public Safety Dispatcher I positions. Continuous recruitment of all dispatcher positions would allow prospective candidates to submit application materials at any time and the City to respond quickly to changing staffing needs.

Recruiting events are critical to finding potential applicants with the skills necessary to succeed at the job. The Personnel and Training Bureau attends career fairs and community events around the Bay Area to advertise police career opportunities to targeted audiences. Dispatchers have not routinely been involved in the recruitment process. The Police Department has created



The Fire Department manages firefighter scheduling with an industry-known public safety scheduling software called Kronos TeleStaff. TeleStaff functionality allows Fire to:

- Automatically fill vacancies based on organizational qualifications and availability
- Manage shift trades and leave requests
- Control and maintain staffing levels and rotations
- Manage the daily schedule by maintaining on-duty and off-duty personnel at all times
- Capture payroll data and export to third-party HR/payroll systems
- Provide manager and employee self-service access
- Increase oversight and save time currently spent on manual scheduling

marketing material for educating people about the Police Academy but there were no materials about a career in dispatching. Involving dispatchers in this recruitment process and creating unique marketing materials for dispatcher positions would allow the Department to better identify and engage potential recruits. The Department’s recruitment webpage is outdated and lacks information about dispatching. Personnel and Training should engage in best practice marketing strategies including the use of websites and social media to engage with targeted audiences.

Background Investigations Cause Delays in Hiring

While the recruitment process can take months, mandatory background checks add even more time to the process. Candidates that pass the interview panel are assigned to an internal background investigator in the Department. When the Department has multiple background investigations to conduct, significant delays can occur. According to the Personnel and Training Bureau, the Department prioritizes backgrounds for sworn over non-sworn positions, and dispatcher candidates can fall to the bottom of the pile. During this delay, the Department may lose candidates to other agencies. Options to increase the processing of background investigations include adding staff time or contracting with an outside firm. There are private background investigation firms that could conduct all or some of the Department’s recruitment background investigations to alleviate the workload of investigators, expedite the process, and retain more applicants.

Opportunity to Increase Trainee Retention

A majority of employee separations occur during dispatchers’ first year while still in training. Under the current staffing model, dispatchers are cross-trained to work all four positions in the Center: call taker, records desk, police desk, and fire desk. If a trainee does not pass one phase, they are released from training even if they successfully passed other phases. The reason the Center requires all dispatchers to be cross-trained is because it provides the most flexibility in scheduling. There may be, however, an opportunity to retain qualified individuals as call takers, in order to provide current dispatchers with some workload relief.

Current and former management of the Center identified the Police Desk phase of dispatcher training as the most difficult part of training, stating that

Figure 7. Dispatcher Training



Source: City of Berkeley Dispatcher Training Manual

people cannot handle the pace and stress associated with police calls. The training program for new hires is approximately nine months long with the Police Desk phase at the end (Figure 7). Our analysis of staff turnover revealed that only 45 percent of those hired as trainees in 2013-2017 successfully completed the training program to become permanent dispatchers.

Department managers reported that this is an improvement over previous years. In the current training program, trainees are terminated if they are not able to pass all phases of the program. Twenty-eight percent of the trainees were unable to complete the training program and exited between seven and nine months from their start date, approximately during the Police Desk phase of training.

Call taking is the first phase of training that dispatchers receive. This duty currently accounts for two or three staff positions on each shift. By changing practices to retain dispatchers who are able to pass call taking training but are not able to pass all training phases as call takers, the Center may be able to reduce overtime in the short term. Those individuals may later be able to resume training to advance to a fully cross-trained dispatcher if they desire.

Staffing Shortages Impact Ability to Meet Ongoing Training Requirements

The understaffing of dispatcher positions and the resulting need for dispatchers to work lots of overtime means less time for training. According to the Police Department’s Personnel and Training Bureau, the Center does not fully comply with California’s Police Officer Standards and Training (POST) ongoing training requirements. In such a highly technical profession with changing technology, it is vital that those answering 911 calls are receiving appropriate and adequate ongoing training.

Table 3. Compliance with State Training Requirements

Reporting Years	Total Dispatchers*	In Compliance	Not in Compliance
2013/2014	30	16	14
2015/2016	30	21	9
2017/2018	31	26	5

*Includes dispatchers who have separated from the City

Source: Berkeley Police Department Personnel and Training Bureau



California's
Commission of
Police Officer

Standards and Training (POST) established minimum training requirements for public safety dispatchers. Every dispatcher and supervisor is required to complete 24 hours of continuing professional training every two years to maintain, expand, and enhance knowledge and skills.

A lack of training means that dispatchers may not have the skills, knowledge, or abilities to handle calls, which could lead to serious consequences. In order to ensure that the Center is appropriately trained, the Department needs to increase recruitment efforts to attract quality candidates to fill vacant positions. In addition, adding call taker positions will allow the Center to reduce their reliance on overtime, relieving the burden placed on staff who are working excessive overtime and allow dispatchers more time to complete mandatory training.

Recommendations

In order to ensure well-rested and content dispatchers, and to reduce reliance on overtime, we recommend the Police Department through its recruitment actions:

- 2.1 Open all dispatcher positions to continuous recruitment.
- 2.2 Work with Communications Center staff to create a specific recruitment plan for dispatcher positions including recruitment events and marketing material. Use recruitment best practices to reach potential applicants and increase the number of applicants.
- 2.3 Identify and implement feasible options to improve turnaround time on background checks for dispatcher positions. This can include outsourcing background investigations or working with Human Resources to ensure that the Department is able to complete all background investigations in a timely manner.
- 2.4 Design a way to retain staff that are unable to pass the Police Desk training, for example, keep staff as Public Safety Dispatcher I and have them work as a call taker or create a new job classification for a call taking position.
- 2.5 Evaluate the results from dispatcher recruitment routinely (e.g., annually or at the end of a recruitment cycle) to determine areas for improvement. Update recruitment plans.

In order to ensure adequate staffing and well-trained dispatchers, we recommend the Police Department:

- 2.6 Implement an automated scheduling software that has built-in decision-making capabilities to automatically fill shifts based on specified qualifications and staff availability.
- 2.7 Decrease the concentration of overtime among dispatchers.
- 2.8 Develop and implement a Communications Center training plan to ensure compliance with POST training requirements. Evaluate training processes and update training plans routinely.



Working conditions adversely affect dispatcher morale.

All the dispatchers who responded to our survey stated that morale in the Center was low. According to staff, the major cause of the low morale is the understaffing of dispatch positions and subsequent excessive overtime needed to achieve minimum staffing. As the Center has continued to rely on overtime, staff have little to no time in their work days to complete ongoing training, build a healthy workplace culture, and access stress management resources. They also have less time off work to take care of their physical and mental health. Management reported that they have taken steps to address the low morale and provide resources to support dispatchers. However, there is more that needs to be done to ensure dispatchers have access to and participate in these resources.

Communication Improvements Can Help Morale

Communication is a key tool to a healthy work environment. The majority of dispatchers feel that they are not given opportunities to voice their concerns, ideas, and opinions. This has caused dispatchers to feel disconnected from supervisors and management. Shift work creates a challenge when it comes to communication because there is no time in the day when staff are all together. Additionally, the type of work does not allow the entire unit to be off work and communicate as a whole. In our interviews, supervisors said that there is a lack of communication because they work different shifts and this makes it hard to be on the same page. Supervisors recognized that this challenge likely causes communication issues up and down their chain of command.

Management has recognized the need for greater transparency about management decisions and appear to be committed to creating better communication practices in order to achieve that. There are opportunities to increase transparency by holding regular meetings with supervisors and management where information is shared and communication plans are made. This would help ensure that supervisors are communicating consistent information down to dispatchers and that supervisors have time to bring ideas, concerns, and issues to management. Center staff also expressed that there are communication barriers between dispatchers and sworn police officers. Staff reported feeling largely ignored and forgotten by the Department. The Center and Police Department previously had a committee that met routinely to

100% of survey respondents agreed or strongly agreed that morale within the Communications Center is low.

73.33% of survey respondents disagreed or strongly disagreed that they are given opportunities to voice concerns, opinions, and ideas.



Supervisors are directly responsible for training and conveying information to dispatchers. It is also the job of the supervisor to resolve issues and refer to management as necessary.

discuss issues between patrol staff and dispatchers and keep communication open. The committee has since stopped meeting. A meeting between patrol staff and the Center, if properly managed, could help dispatchers communicate with the Department, build rapport, and solve recurring issues.

Center staff reported having a good working relationship with the Fire Department. They feel that Fire is very mindful about how their policies affect dispatchers and will initiate discussions with supervisors to address changes and issues, and to solicit feedback. However, there is room to improve communication with Fire by including all Center supervisors in those routine discussions to ensure that all significant issues are discussed. Currently, one of the supervising dispatchers serves as the liaison to Fire and is responsible for this communication. While it is important to have a point person, the Center may benefit from involving all supervisors and management in more routine meetings with Fire.

Unaddressed Work-Related Stress Increases Risk to Department

There is no such thing as a good day in the Center. A bad day for most people is every day for a dispatcher. Dispatchers do not just hear when crimes or tragedies occur, they are on the phone with someone who was involved or witnessed what happened. According to the National Emergency Number Association, approximately 16.3 percent of dispatchers may be at risk of Secondary Traumatic Stress Disorder.⁴ Experts identify risks associated with unaddressed 911 stress, including serious health issues, lower employee retention, impaired work performance, and declining morale in the workplace. All of these impacts have the potential to threaten the health of dispatchers and the ability of the Center to fulfill its mission to provide optimal emergency response to the public.

Experts have found that workplace satisfaction reduces the cost of employee turnover and sick leave while increasing performance and productivity. Low morale has been associated with the opposite. With mounting evidence that work-related stress is having more of an impact on 911 dispatchers, industry experts have established standards for a comprehensive stress management program.



The National Emergency Number Association provides standards for creating a comprehensive stress management program, including:

- Stress management training for all staff
- On-site educational materials and resources about stress and related risks
- Information on the role of nutrition, exercise, and sleep in preventing stress disorders
- Written procedures for ensuring participation in post-trauma response, debriefing, and peer support
- A PSAP peer support program
- Personal health incentives program to promote employee investment in lifestyle changes and practices shown to prevent mental and physical disease

⁴ Secondary Traumatic Stress Disorder is the specific stress experienced by an individual who has experienced a traumatic event involving a threat to the physical integrity of another person; the stress resulting from helping or wanting to help a traumatized person.

Dispatchers Are Tired of Dirty Workplace and Broken Equipment

Our survey and interviews revealed that poor equipment maintenance and workplace cleanliness are also contributing to employee dissatisfaction in the Center. There is currently no planned continuous maintenance on Center equipment. In addition to contributing to employee satisfaction, having working equipment is vital to the success of the City’s emergency response. Implementing a maintenance plan will allow management to plan routine upgrades and replacement of equipment. Supervisors also commented on the lack of cleanliness in the Center. Overcrowded and cramped working quarters, as well as staff’s frequent inability to leave their desks for lunch breaks, are likely contributors to the unclean space. The crowded conditions are likely to worsen as the Center expands to take on additional dispatchers. The Department may need to invest in additional cleaning services to address all sanitation issues.

Dispatchers Believe They Need Better Access to Stress and Wellness Resources

The Police Department has policies and practices that address workplace stress, promote wellness, and show appreciation for employees. There are some resources that dispatchers have access to, for example, recognition during National Public Safety Telecommunicators Week and the City Employee Assistance Program. However, there are other resources that dispatchers report that they have a hard time accessing: post-trauma response, peer support, incident debriefing, and use of the Department gym. Center staff reported that dispatchers do not have time to access many of these resources due to understaffing. Management reported that they have introduced new wellness resources including a healthy-meal delivery service, access to a mobile meditation application, and a physical meditation space. Management recognizes that they will need to continue to work towards improving these services and access to these services.

Center staff also stated that dispatchers do not receive adequate ongoing training. The Center should provide ongoing training on the structured call-taking process, including the management of suicidal callers and calls involving persons with mental illness, to ensure that dispatchers have the skills and knowledge to handle the calls and manage their own stress. In

86.67% of survey respondents disagreed or strongly disagreed that they receive the resources needed to effectively manage the stress of being a dispatcher.

60% of survey respondents disagreed or strongly disagreed that they receive adequate ongoing training to understand their evolving responsibilities and do their job well.

addition to their current stress management practices, the Police Department could benefit from adding practices to ensure that dispatchers have access to the resources they need to continue to do their job and remain healthy. Without addressing staffing and overtime issues, dispatchers will continue to not have time to access essential stress management resources. By creating a comprehensive stress management program specifically for dispatchers, the Center can make time for dispatchers to access vital stress management resources that are relevant to staff needs.

Management has voiced their commitment to increasing transparency and providing additional support to improve the environment. While the initial implementation of programs to improve morale will have financial costs, these can be offset by cost reductions related to sick time, resignations, and workers compensation claims. The City's investment in its people is critical to ensuring that the Center is prepared to respond to calls for service and effectively communicate information to public safety personnel.

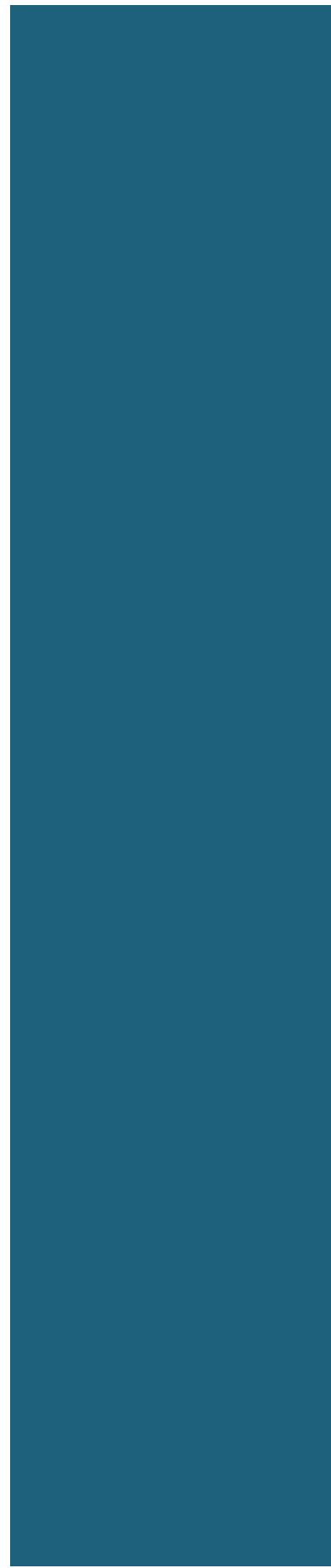
Recommendations

In order to improve morale and communication, we recommend Communications Center management:

3.1 Create a comprehensive stress management program specifically for the Communications Center that includes the following:

- Stress management training for all staff, 8 hours minimum during career
- Access to on-site educational resources to help with stress and related risks, e.g., directory of local therapists specializing in treatment of stress and traumatic stress disorders and City programs that provide information on how and where to access help
- Procedures assuring participation of staff in critical incidence stress management activities (e.g., debriefing sessions when involved in traumatic call events)
- A Peer Support Program
- Comprehensive, ongoing training on structured call-taking processes

- 3.2 Develop and implement plans to address workplace cleanliness and equipment maintenance and replacement.
- 3.3 Conduct regular supervisor level meetings to share information about operations and staffing. Use these meetings to improve understanding of the supervisor role, identify problems, discuss changes that may affect operations, and establish communications plans for distributing information to all staff.
- 3.4 Routinely have Police and Fire staff meet with all Center Supervisors to solicit feedback on Center operations and to address any issues. Use these meetings to improve understanding of the dispatcher role and current policies of public safety, identify problems that should be evaluated for further discussion, and discuss known and expected changes that may affect the Communications Center.



Management Response Summary

City Management agreed to our findings, conclusions, and recommendations. In our meetings with Police Department management, they described their current and planned actions to address our audit recommendations. We found those verbal responses reasonable. For example, to address recommendations 1.2 and 2.4, Police Department management said they plan to request a new Call Taker position. This will help them hire staff who are able to handle call intake but may not be suited to handle police desk responsibilities. This will help reduce reliance on overtime.

The Police Department provided us with written summary information describing the conditions that led to our audit recommendations and identified some of their milestone dates. Some responses did not include complete, written corrective action plans or expected implementation dates as requested. Therefore, we will be working with Police Department management to obtain that information so that we can monitor their progress with implementing our audit recommendations. Please see Appendix III for the Police Department's written response to our audit recommendations.

Appendix I—Methodology and Statement of Compliance

Methodology

We audited the Communications Center's (Center) recruitment, staffing, overtime, retention, and training program for calendar years 2013 through 2017. We performed a risk assessment of the Center's practices and procedures to identify potential internal control weakness, including fraud risks, within the context of our audit objectives. To gain an understanding of the Center's operations and threats to performance and to achieve our audit objectives, we:

- Reviewed the Center's current minimum staffing requirements.
- Sat along during three dispatching shifts to observe operations.
- Interviewed the Captain of the Support Services Division, the Communications Center Manager, Dispatcher Supervisors, and Public Safety Dispatchers to gain an understanding of operations, staffing, and workload.
- Reviewed professional literature to identify common threats to the capacity of public safety dispatching agencies and best practices for staffing, recruitment, and stress management.
- Performed a regression analysis on estimated population growth and call volume.
- Analyzed call data by hour, including time to answer and duration on a call to understand call volume and call types for calendar years 2011-2017.
- Obtained and presented 2018 summary call data at the request of the Police Department to help demonstrate their hypothesis about the change in call volume post 2016.
- Ran a staffing analysis to determine the number of call takers needed to handle the current 911 call volume and compared those numbers to the current staffing.
- Analyzed the Center's use of overtime to meet minimum staffing requirements for calendar years 2013-2017.
- Calculated historic turnover and vacancy rates of dispatcher classifications for calendar years 2013-2018. This is one instance in which we were able to obtain 2018 data for analysis.
- Reviewed budget documents, written procedures, and common forms and reports used by the Police Department.
- Reviewed State and Department of Justice audits.
- Observed dispatcher candidate interviews and analyzed recruitment data to understand the recruitment and hiring process, including a number of applicants passing through each step of the recruitment process and the specific dates for various steps of the process for dispatchers hired.

- Interviewed Communications Training Officers to understand the training program and typical training timeframe for new dispatchers.
- Performed an anonymous survey of dispatchers to gauge morale and satisfaction with different aspects of their work environment.

We recognize that coordinated emergency response operations are complex, involving multiple City departments. The scope of this audit was narrow and looked only at the Communications Center role in answering 911 and non-emergency calls. We did not assess dispatching or emergency service response times, which are distinctly different from call answer times. When looking at answer times, we did not assess non-emergency calls as the California state standards apply to only 911 calls.

Explanation of Staffing Analysis

We used the National Emergency Number Association's PSAP Staffing Guidelines to analyze the Center's staffing level based on call volume. This method of determining how many persons should staff a PSAP looks at primary workload, which is considered to be 911 calls received. We used standard queuing theory to determine how many call takers should be available to process the calls. This queuing theory was created to account for call volumes where if the caller was blocked, then at least 85 percent of the time the caller immediately redials. This is the situation of a person seeking emergency help. The limitation of this analysis is that it does not take into account any factors that influence call handling and that are not in the queuing formula.

Data Reliability

We assessed the reliability of ECaTs data by reviewing them for reasonableness and completeness, interviewing data and data-system owners and managers, gaining an understanding of data access controls, and reviewing data system documentation. We determined that the data were sufficiently reliable for the purposes of this report. We did not include 2018 data in our reliability assessment. We included that data in Figure 2 at the request of the Police Department, but did not use it to support our audit findings, conclusions, or recommendations. We make that clarification under Figure 2.

We relied on US Census population and ABAG population predictions to support our finding regarding predicted increases to call volume. We considered both organizations to be known, reliable sources and, therefore, their data to be sufficiently reliable for our purposes. We recognized both the US Census and ABAG offer slightly differing predictive data. However, the purpose of our predictions is to give readers a general understanding of future impact with an understanding that actual population growth will be different. We do not expect this difference to be significant to the extent it impacts the purpose of our predictions, which is to support that the Center will need to expand along with population growth.

We assessed the reliability of payroll data by reviewing it for completeness, appropriateness, and consistency. We determined it is sufficient and reliable for the purposes of our work. The data captures the date of the hours, the staff member, position title, and hour code. We noted a limitation in the data in that the position title associated with individuals is their current title, which does not necessarily reflect the title at the time the hours were earned. This limitation does not significantly impact our use of the data because all four of the current supervisors were in their positions before 2013. In addition, we combined the Public Safety Dispatcher I and Public Safety Dispatcher II totals so our calculations are not impacted by when dispatchers were promoted from Public Safety Dispatcher I to II.

Statement of Compliance

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II— Dispatcher Morale Survey: Design, Efforts, and Results

We designed a survey to gain an understanding of dispatchers' satisfaction on a number of issues, with a particular emphasis on determining the overall climate of the Communications Center (Center), and assessing which factors are contributing to dispatcher satisfaction and which are detracting from their satisfaction.

To collect the information contained in this report, we invited 23 dispatchers to participate through the SurveyMonkey online survey platform. Over a two-week period, a total of 15 employees completed the survey, which represents a participation rate of 65 percent. Because our survey focus was on dispatchers perceptions, we excluded supervisors and management. We interviewed the four supervisors, the Center Manager, and the Captain of Support Services separately to gain an understanding of their perceptions and concerns.

We created our survey in SurveyMonkey, an online platform for creating, distributing, and analyzing surveys. We designed our survey to keep responses anonymous.

Survey Limitations

When we started designing this survey, we understood that there are inherent limitations in using survey data to gauge the morale of an organization. However, even with those limitations, providing an anonymous survey to employees was the most effective and efficient way to hear from a large number of employees in shift work who could responded freely. During our audit, we kept the following in mind:

- Many factors can impact an employee's frame of mind when completing the survey, which could influence their responses either positively or negatively.
- People who are dissatisfied are more apt to reply to the survey.
- Ongoing changes within the Center would impact perceptions day to day.
- Unless the survey achieves 100 percent response rate, some dispatchers' opinions may not be reflected in the quantitative analysis of responses.
- Despite our extensive preparation, dispatcher could have interpreted questions differently than we intended.

Because the overall goal was to set a baseline of the morale at a point in time, we determined that the above factors would not create a significant risk as to the accuracy of our audit findings, conclusions, and recommendations. The 65 percent response rate was a strong indicator that the results were reliable, and the responses agreed with comments made during interviews, including discussions with supervisors and management.

Table 1: Overall Survey Results of Dispatcher Morale

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
There are enough dispatchers on duty during each shift to handle call volume.	6.67%	6.67%	13.33%	40.00%	33.33%
I am not able to take my required breaks due to workload and staffing shortages.	26.67%	33.33%	13.33%	20.00%	6.67%
I am required to work too much overtime.	73.33%	13.33%	6.67%	0.00%	6.67%
I received adequate new dispatcher training to understand my responsibilities and to do my job well.	13.33%	40.00%	26.67%	13.33%	6.67%
I receive adequate ongoing training to understand my evolving responsibilities and do my job well.	0.00%	13.33%	26.67%	13.33%	46.67%
I would like to receive additional training to advance my knowledge and skills.	66.67%	20.00%	0.00%	0.00%	13.33%
I am compensated fairly for my work.	13.33%	33.33%	26.67%	20.00%	6.67%
I am given opportunities to voice my concerns, opinions, and ideas.	0.00%	6.67%	20.00%	13.33%	60.00%
I receive the resources I need to effectively manage the stress of being a dispatcher.	0.00%	0.00%	13.33%	26.67%	60.00%
The Communications Center operations written policies and procedures provide appropriate direction and guidance.	0.00%	6.67%	13.33%	13.33%	66.67%
The Communications Center written policies and procedures are applied to all personnel equally.	0.00%	0.00%	6.67%	26.67%	66.67%
I feel supported by Supervising PSDs and can count on them to fill in when workload increases due to training, staff absences, or call increases.	0.00%	6.67%	20.00%	13.33%	60.00%

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I feel supported by Supervising PSDs and can count on them to fill in when workload increases due to training, staff absences, or call increases.	0.00%	6.67%	20.00%	13.33%	60.00%
Supervisors contribute to a positive work culture.	0.00%	6.67%	20.00%	20.00%	53.33%
I have confidence in management's ability to perform their duties and run the Communications Center.	0.00%	0.00%	6.67%	26.67%	66.67%
Management contributes to a positive work culture.	0.00%	0.00%	13.33%	20.00%	66.67%
Overall, the morale within the Communications Center is low.	93.33%	6.67%	0.00%	0.00%	0.00%

Appendix III—Recommendations and Management Response

1.1 Conduct an annual staffing analysis of required minimum staffing levels and budgeted dispatchers to ensure budget staffing requests and scheduling efforts meet demand and limit the use of overtime where possible. Use the staffing analysis to communicate to Council and the public during the annual appropriations process:

- Service level demands;
- The full-burdened cost of budgeting for additional staff;
- Whether there is sufficient funding available to budget for the additional staff or a shortfall (quantified in dollars); and
- Additional staffing requests, if needed.

Management Response: We will research other available analysis options to determine if we are using best practices by June 2019. A monthly and yearly analysis of staffing is helpful when determining best use of the current employees in terms of scheduling. We recognize that our current use of a manual scheduling process is not optimal and that we would be better served by an automated scheduling program. The Department has already begun to consider several automated scheduling programs to replace our current manual method.

1.2 Use the staffing analysis performed in response to recommendation 1.1 to, determine future resource needs of the Communications Center, including staffing, equipment, and physical space. Take into account planned changes to services and factors that may influence call volume.

Management Response: Decide on Communications Center expansion versus relocation by December, 2019. We will need to increase our staffing levels to meet NENA staffing recommendations. Future enhancements to the 911 system such as text to 911 and Next Generation 911 will increase our call times and further hinder our ability to meet NENA standards on call answer times. The Communications Center will need to either expand the space it currently occupies in the Public Safety Building, or relocate to a separate building in order to increase the number of consoles needed to accommodate additional required staff.

The Department has already begun discussion on the Communications Center's spatial needs. In 2018, we implemented a new Computer Aided Dispatch system in order to enable us to receive 911 calls via the upcoming Next Generation technology. The Call Taker proposal will be submitted to Human Resources and the Personnel Board.

2.1 Open all dispatcher positions to continuous recruitment.

Management Response: We hope to obtain approval from Human Resources by September, 2019. Open and continuous recruitment of all dispatcher positions has long been the desire of Management. There are several factors that make hiring dispatchers challenging. The hiring process itself is lengthy due to required testing of applicants, background investigation and physical exam. Because of our limited resources in terms of floor trainers, we cannot hire more than three dispatchers at one time or the trainer's become overburdened. The Public Safety Dispatcher training program generally takes 9-10 months to complete. Often, it is not until the latter months of training that deficiencies that will not allow a trainee to complete the program are discovered. Allowing for open and continuous recruitment would give us the ability to create a pipeline of applicants to "plug in" once a trainee either completes or is released from the training program.

Human Resources has already agreed to open and continuous hiring for lateral Public Safety Dispatcher II classification and Management has requested the same for both the non-lateral and Public Safety Dispatcher I classifications.

2.2 Work with Communications Center staff to create a specific recruitment plan for dispatcher positions including recruitment events and marketing material. Use recruitment best practices to reach potential applicants and increase the number of applicants.

Management Response: In progress since 2018, the marketing firm is expected to begin work by May of 2019. Recruitment of a compassionate, competent, talented and diverse workforce is a priority for the entire department, and has been a challenge over the last several years due to a variety of reasons. Creation of a more specific plan for dispatcher positions can help reach potential applicants and increase the total number of applicants. Management recognizes the importance of both hiring and retaining applicants through the training program as being a key element in overcoming the staffing shortage.

The Department created a Recruitment and Retention Team in 2018 in order to address the departmental recruitment needs. This was the first step in setting out a concrete plan. This team has developed goals and priorities, with very specific tasks. The goals include better tracking of recruitment efforts, creation of recruitment videos, attending recruitment events, hiring a marketing firm to assist with web design, employment brochures and literature, social media outreach and other advertising avenues.

2.3 Identify and implement feasible options to improve turnaround time on background checks for dispatcher positions. This can include outsourcing background investigations or working with Human Resources to ensure that the Department is able to complete all background investigations in a timely manner.

Management Response: In progress since 2018. In April of 2019 the Department contracted with a background investigation firm that can complete up to three backgrounds at a time with a one month turn around. The Department also hired a retired BPD officer to complete backgrounds on a part time basis. This retiree has extensive experience conducting background investigations for the Department. The Department is experimenting with now assigning multiple categories of backgrounds out at one time, instead of exhausting higher categories before moving on.

The long background check process has been an impediment to successful recruitment and hiring for some time. The above described Recruitment and Retention Team has also identified improving the background investigation process as a critical task. Plans were considered to dedicate current employees as background investigators, hire independent background investigation companies or do some combination of the two. The proposed plan to affect change in this area is to hire an independent but highly experienced background investigation firm that can rapidly complete quality background investigations, continue to use Department employees to complete background investigations, and also continually evaluate and adapt practices.

2.4 Design a way to retain staff that are unable to pass the Police Desk training, for example, keep staff as Public Safety Dispatcher I and have them work as a call taker or create a new job classification for a call taking position.

Management Response: We want to have our final proposal for the call taker and revisions to the PSD classifications by June and implement by fall 2019. Historically, many trainees have gained proficiency in call taking, demonstrated excellent customer service skills and professionalism, but could not complete the training program due to their inability to pass Police Desk training.

Hiring more full time call takers would improve staffing levels, greatly relieve overtime required by dispatchers, significantly reduce overtime costs and allow us to meet NENA minimum staffing requirements. Once the Call Taker classification is approved, it would help Management to potentially retain valuable employees by offering them a position in a different classification they are already qualified to work.

2.5 Evaluate the results from dispatcher recruitment routinely (e.g., annually or at the end of a recruitment cycle) to determine areas for improvement. Update recruitment plans.

Management Response: Evaluation and more robust data collection on applications began in late 2018. By the summer of 2019 the Department should begin to have an adequate data set to review. Recruitment has changed over the last several years, and competition for qualified candidates is great among agencies. Continual evaluation of Departmental efforts will be critical to staying abreast of best practices and successfully hiring quality candidates. The Department plans to improve tracking and review of the number of applicants, how successful applicants are through the process, and where they most often are “lost” in the process. The Department also plans to review these results in line with testing processes in order to adjust as necessary.

2.6 Implement an automated scheduling software that has built-in decision-making capabilities to automatically fill shifts based on specified qualifications and staff availability.

Management Response: As of April 2019, there have been presentations by two separate software vendors. There is a plan to research a third vendor’s software (Tyler Technology) at an upcoming annual conference. DoIT suggests implementing a scheduling software in line with other technology upgrades surrounding payroll (ERMA). The Department anticipates that review of available products and decisions as to whether to move to Implementation could occur in late Fall of 2019.

Implementation of a scheduling software could help relieve the current personnel engaged in scheduling, create a feeling of greater fairness and control which would be a morale boost. This would also allow for greater review over how much overtime individuals are working in order to ensure their wellness and that they are taking enough time off. The Department is interested in balancing the above opportunities with the challenges and expense of implementing a new software solution.

The Department has been communicating with and working alongside DoIT, union representatives and outside vendors to explore various scheduling software options. Efforts are also underway to identify best practices in other jurisdictions.

2.7 Decrease the concentration of overtime among dispatchers.

Management Response: Change in overtime distribution procedures implemented in 2018. For the past five years, the Communications Center’s overtime has averaged roughly 300 hours per week in order to meet our minimum staffing requirements. Approximately 100 additional hours would be necessary to meet NENA minimum staffing levels.

Although we cannot reduce overtime levels until we hire more dispatchers and they successfully complete either the PSDII or call taking training program, in 2018 the scheduling supervisor was directed by the Communications Manager to re-order the way overtime is assigned in order to more equitably distribute overtime hours between all dispatchers, instead of the majority of hours falling to a portion of staff.

2.8 Develop and implement a Communications Center training plan to ensure compliance with POST training requirements. Evaluate training processes and update training plans routinely.

Management Response: In progress since January of 2019. The goal is that by end of 2019, all Communications Center Personnel will be on track with POST requirements (nearly half completed with all training hours at the halfway point of the training cycle).

Ongoing training of employees is a priority for the Department. The Department sees the value and benefit of these training opportunities for the employee’s development and wellness, the Department’s mission, and the quality of service the community ultimately receives.

In January of 2019 the Communications Center leadership team implemented a plan to track POST training requirements along with yearly Performance Appraisal Reviews. At each employee’s PAR anniversary date, their supervisor will review the number of hours of training received to date. Additionally, Personnel and Training will conduct an annual review of all Communications Center personnel to track POST training time. Finally, one of the Public Safety Dispatch Supervisors was assigned the job to work as a liaison with Personnel and Training for scheduling POST classes as well as directly with dispatchers to locate and sign dispatchers up for course of interest.

3.1 Create a comprehensive stress management program specifically for the Communications Center that includes the following:

- Stress management training for all staff, 8 hours minimum during career
- Access to on-site educational resources to help with stress and related risks, e.g., directory of local therapists specializing in treatment of stress and traumatic stress disorders and city programs that provide information on how and where to access help
- Procedures assuring participation of staff in critical incidence stress management activities (e.g., debriefing sessions when involved in traumatic call events)
- A Peer Support Program
- Comprehensive, ongoing training on structured call-taking processes

Management Response: All Communications Center Staff to receive 8 hours training by December, 2019. The Department recognizes the negative effects of stress on employees and utilizes Peer Support Counselors, a Crisis Intervention Team as well as the Employee Assistance Program and most recently the Headspace website which promotes mindfulness and meditation.

Work with Personnel and Training to Expand current stress management toolset to include a mandatory 8 hour stress management course for all Communications Center staff.

3.2 Develop and implement plans to address workplace cleanliness and equipment and furniture maintenance and replacement.

Management Response: Beginning fall 2018, the Communications Center receives a deep cleaning on a quarterly basis. Standalone Hepa filters will be purchased by July 2019. Management recognizes the need for improvement in the cleanliness of the Communications Center.

3.3 Conduct regular supervisor level meetings to share information about operations and staffing. Use these meeting to improve understanding of the supervisor role, identify problems, discuss changes that may affect operations, and establish communications plans for distributing information to all staff.

Management Response: Fully operational by October 2019. Management recognizes the need for improved communication across all ranks. The Communications manager is in the process of creating a web based information portal which includes sections for polices, Supervisory blog, Communications Center blog, resources, health and wellness, new dispatcher training, and links to web based training opportunities for tenured staff.

3.4

Routinely have Police and Fire staff meet with all Center Supervisors to solicit feedback on Center operations and to address any issues. Use these meetings to improve understanding of the dispatcher role and current policies of public safety, identify problems that should be evaluated for further discussion, and discuss known and expected changes that may affect the Communications Center.

Management Response: May 2019. The Department recognizes the need and benefit of such meetings. Logistically this has been challenging due to the various shifts and workdays of personnel from other divisions. Invite Police and Fire staff to attend the weekly Supervisor meeting whenever problems are identified or whenever known or anticipated changes may affect the Communications Center.

Mission Statement

Promoting transparency and accountability in Berkeley government.

Audit Team

Claudette Biemeret, Audit Manager
Erin Mullin, Auditor-in-Charge
Tracy Yarlott-Davis

City Auditor

Jenny Wong
Ann-Marie Hogan (Retired)

Office of the City Auditor

Phone: (510) 981-6750

Email: auditor@cityofberkeley.info

Website: www.cityofberkeley.info/auditor

Copies of our audit reports are available at:

www.cityofberkeley.info/Auditor/Home/Audit_Reports.aspx



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@AuditorJennyWong



Office of the Mayor

CONSENT CALENDAR

May 14, 2019

To: Honorable Mayor and Members of the City Council

From: Mayor Jesse Arreguín

Subject: Support AB 539 – the Fair Access to Credit Act

RECOMMENDATION

Adopt a Resolution in support of AB 539, the Fair Access to Credit Act, authored by Monique Limón. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Monique Limón.

BACKGROUND

Currently, California is one of 13 states that have no rate cap on loans of more than \$2,500. In recent years, such loans have had skyrocketing APR rates, with 60% of loans between \$2,500 - \$5,000 having over 100% APR. This means, for example, that a seven-year \$5,000 loan at 116% can balloon up to \$40,000. In states that have caps, the cap is 36% APR, which is also the same rate for loans issued to active duty military under the 2006 Military Lending Act.

Exorbitant APR rates often lead to loan defaults. . In fact, in a July 2016 report by the National Consumer Law Center, approximately 20-40% of high-interest rate loans in California go into default compared to 2-9% for lower interest loans. To make matters worse, predatory lending practices are disproportionately targeted towards vulnerable populations. In 2015, the Berkeley City Council voted to restrict new check cashing stores in Berkeley after new stores began opening throughout South Berkeley, a traditionally lower income neighborhood of color. At the same time the Council increased regulations on existing stores all located in the same South Berkeley neighborhood. The California Department of Business Oversight has noted that such businesses are more likely to open up in African American and Latino neighborhoods.

AB 539, the Fair Access to Credit Act, introduced by Assemblymember Monique Limón, would cap the interest rate at 36% for loans between \$2,500 and \$10,000. In addition, the bill will limit the terms of loans to a minimum of 12 months and a maximum of 5 years, which will prevent an overly extended loan that results in substantially increased payments over time. Finally, the bill will prohibit penalties for prepayment.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

- 1: Resolution
- 2: Text of AB 539

RESOLUTION NO. ##,###-N.S.

IN SUPPORT OF AB 539 – THE FAIR ACCESS TO CREDIT ACT

WHEREAS, promoting the fiscal health and responsibility of Berkeley residents, especially those who are low-income and working class, is important for their livelihoods and the region's economy; and

WHEREAS, under existing state law, interest rates on loans below \$2,500 are capped at 36%, but not for loans over \$2,500 or greater; and

WHEREAS, 60% of loans between \$2,500 - \$5,000 in California have an interest rate of over 100%; and

WHEREAS, approximately 20-40% of high-cost loans in California go into default compared to 2-9% for lower interest loans; and

WHEREAS, check cashing stores are disproportionately placed in neighborhoods with a high level of African American and Latino residents, and in places where the family poverty rates are higher than that of the state average; and

WHEREAS, the only check cashing stores in Berkeley are located in South Berkeley neighborhoods – which historically are neighborhoods of color and lower income; and

WHEREAS, the Berkeley City Council voted in 2015 to restrict new check cashing stores in Berkeley and increased regulations to existing stores after new stores; and

WHEREAS, AB 539, the Fair Access to Credit Act, introduced by Assemblymember Monique Limón, would cap the interest rate at 36% for loans between \$2,500 and \$10,000; and

WHEREAS, the bill will limit the terms of loans to a minimum of 12 months and a maximum of 5 years, and prohibit penalties for prepayment.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports AB 539 – the Fair Access to Credit Act.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Monique Limón.

AMENDED IN ASSEMBLY MARCH 26, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 539

Introduced by Assembly Members Limón and Grayson
(Coauthors: Assembly Members Aguiar-Curry, Kalra, Ramos, Reyes,
and Mark Stone)

(Coauthors: Senators Durazo, Mitchell, and Wieckowski)

February 13, 2019

An act to amend Sections 22202, 22250, 22251, ~~22302~~, 22305, and 22334 of, and to add Sections 22304.5 and 22307.5 to, the Financial Code, relating to consumer loans.

LEGISLATIVE COUNSEL'S DIGEST

AB 539, as amended, Limón. California Financing Law: consumer loans: charges.

(1) The California Financing Law (CFL) provides for the licensure and regulation of finance lenders and brokers by the Commissioner of Business Oversight. The CFL prohibits anyone from engaging in the business of a finance lender or broker without obtaining a license. A willful violation of the CFL is a crime, except as specified. Under existing law, a licensee who lends any sum of money is authorized to contract for and receive charges at a maximum rate that does not exceed specified sums on the unpaid principal balance per month, ranging from 2 ½ % to 1%, based on the consumer loan amount, as specified. This provision, however, does not apply to any loan of a bona fide principal amount of \$2,500 or more, as determined in accordance with a provision governing regulatory ceilings and evasion of the CFL.

The CFL also authorizes a licensee, as an alternative to the above-described rate charges for consumer loan amounts, to instead

contract for and receive charges at the greater of a rate not exceeding 1.6% per month on the unpaid principal balance or a rate not exceeding 5 ⅓ of 1% per month, plus a specified percentage per month, as established by the Federal Reserve Bank of San Francisco, on advances to member banks under federal law, or if there is no single determinable rate, the closest counterpart of this rate. Under existing law, these provisions do not apply to a loan of a bona fide principal amount of \$2,500 or more, as specified. The CFL further authorizes a licensee to contract for and receive an administrative fee of a specified amount that varies with the bona fide principal amount of the loan.

This ~~bill~~ *bill, entitled the Fair Access to Credit Act*, would authorize a licensee, with respect to a loan of a bona fide principal amount of \$2,500 or more but less than \$10,000, to contract for or receive charges at a rate not exceeding an annual simple interest rate of 36% plus the Federal Funds Rate. The bill would specify that a licensee may contract for and receive an administrative fee, as described above, in addition to these charges.

(2) Under the CFL, certain principles apply in determining whether a loan is a loan of a bona fide principal amount under specified provisions and whether the regulatory ceiling provision is used for purposes of evading the CFL.

This bill would apply these principles to loans of a bona fide principal amount of \$2,500 or more but less than \$10,000. *The bill would also apply these principles to any fees paid to a licensee for the privilege of participating in an open-end credit program.*

(3) Existing law prohibits licensees subject to the CFL from entering into a contract for a consumer loan that provides for a scheduled repayment of principal over more than the maximum terms set forth in relation to the respective size of the loan. Among other things, this provision prohibits a loan of at least \$3,000 but less than \$5,000 from exceeding a maximum term of 60 months and 15 days.

This bill would increase the maximum principal loan amount under the above schedule to \$10,000. The bill would also prohibit a licensee from entering into a contract for a consumer loan that is in excess of \$2,500 but less than \$10,000 that provides for a scheduled repayment of principal that is less than 12 months.

~~(4) The CFL specifies that a loan found to be unconscionable pursuant to a specified provision shall be deemed in violation of the CFL and subject to the remedies applicable to the CFL.~~

~~This bill would specify that certain charges authorized under the CFL shall not be deemed to be unconscionable based on the costs of the charges alone. The bill would also prohibit a licensee from charging, imposing, or receiving any penalty for the prepayment of a loan under the CFL.~~

By expanding the application of the CFL to cover more loans, the bill would expand the scope of an existing crime, thereby imposing a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Fair Access to Credit Act.

3 ~~SECTION 1.~~

4 SEC. 2. Section 22202 of the Financial Code is amended to
5 read:

6 22202. “Charges” do not include any of the following:

7 (a) Commissions received as a licensed insurance agent or
8 broker in connection with insurance written as provided in Section
9 22313.

10 (b) Amounts not in excess of the amounts specified in
11 subdivision (c) of Section 3068 of the Civil Code paid to holders
12 of possessory liens, imposed pursuant to Chapter 6.5 (commencing
13 with Section 3067) of Title 14 of Part 4 of Division 3 of the Civil
14 Code, to release motor vehicles that secure loans subject to this
15 division.

16 (c) Court costs, excluding attorney’s fees, incurred in a suit and
17 recovered against a debtor who defaults on the debtor’s loan.

18 (d) Amounts received by a licensee from a seller, from whom
19 the borrower obtains money, goods, labor, or services on credit,
20 in connection with a transaction under an open-end credit program
21 that are paid or deducted from the loan proceeds paid to the seller
22 at the direction of the borrower and that are an obligation of the

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1 seller to the licensee for the privilege of allowing the seller to
 2 participate in the licensee's open-end credit program. Amounts
 3 received by a licensee from a seller pursuant to this subdivision
 4 may not exceed 6 percent of the loan proceeds paid to the seller
 5 at the direction of the borrower.

6 (e) Actual and necessary fees not exceeding five hundred dollars
 7 (\$500) paid in connection with the repossession of a motor vehicle
 8 to repossession agencies licensed pursuant to Chapter 11
 9 (commencing with Section 7500) of Division 3 of the Business
 10 and Professions Code provided that the licensee complies with
 11 Sections 22328 and 22329, and actual fees paid to a licensee in
 12 conformity with Sections 26751 and 41612 of the Government
 13 Code in an amount not exceeding the amount specified in those
 14 sections of the Government Code.

15 (f) Moneys paid to, and commissions and benefits received by,
 16 a licensee for the sale of goods, services, or insurance, whether or
 17 not the sale is in connection with a loan, that the buyer by a
 18 separately signed authorization acknowledges is optional, if sale
 19 of the goods, services, or insurance has been authorized pursuant
 20 to Section 22154.

21 ~~SEC. 2.~~

22 *SEC. 3.* Section 22250 of the Financial Code is amended to
 23 read:

24 22250. (a) The following sections do not apply to any loan of
 25 a bona fide principal amount of ten thousand dollars (\$10,000) or
 26 more, or to a duly licensed finance lender in connection with any
 27 such loan or loans, if the provisions of this section are not used
 28 for the purpose of evading this division: Sections 22154, 22155,
 29 22201, 22202, 22307, 22313, 22314, 22315, 22322, 22323, 22325,
 30 22334, and 22752, and the sections enumerated in subdivision (b).

31 (b) The following sections do not apply to any loan of a bona
 32 fide principal amount of five thousand dollars (\$5,000) or more,
 33 or to a duly licensed finance lender in connection with any such
 34 loan or loans, if the provisions of this section are not used for the
 35 purpose of evading this division: Sections 22300, 22305, and
 36 22306, subdivision (a) of Section 22307, and Sections 22309,
 37 22320.5, ~~22322~~, 22326, 22327, 22400, and 22751.

38 ~~SEC. 3.~~

39 *SEC. 4.* Section 22251 of the Financial Code is amended to
 40 read:

1 22251. Any section that refers to this section does not apply
 2 to any loan of the bona fide principal amount specified in the
 3 regulatory ceiling provision of that section or more if that provision
 4 is not used for the purpose of evading this division. In determining
 5 under Section 22250, 22303, 22304, or 22304.5 or any section that
 6 refers to this section whether a loan is a loan of a bona fide
 7 principal amount of the amount specified in that section or more
 8 and whether the regulatory ceiling provision of that section is used
 9 for the purpose of evading this division, the following principles
 10 apply:

11 (a) If a borrower applies for a loan in a bona fide principal
 12 amount of less than the specified amount and a loan to that
 13 borrower of a bona fide principal amount of the specified amount
 14 or more ~~if~~ *is* made by a licensed finance lender, no adequate
 15 economic reason for the increase in the size of the loan exists, and
 16 by prearrangement or understanding between the borrower and
 17 the licensee a substantial payment is to be made upon the loan with
 18 the effect of reducing the bona fide principal amount of the loan
 19 to less than the specified amount within a short time after the
 20 making of the loan other than by reason of a requirement that the
 21 loan be paid in substantially equal periodical installments, then
 22 the loan shall not be deemed to be a loan of the bona fide principal
 23 amount of the specified amount or more and the regulatory ceiling
 24 provisions shall be deemed to be used for the purpose of evading
 25 this division unless the loan complies with the other provisions of
 26 the section that includes the regulatory ceiling provisions.

27 (b) If a loan made by a licensed finance lender is in a bona fide
 28 principal amount of the specified amount or more, the fact that the
 29 transaction is in the form of a sale of accounts, chattel paper, goods,
 30 or instruments or a lease of goods, or in the form of an advance
 31 on the purchase price of any of the foregoing, shall not be deemed
 32 to affect the loan or the bona fides of the amount thereof or to
 33 indicate that the regulatory ceiling provisions are used for the
 34 purpose of evading this division.

35 (c) For the purposes of determining whether the loan amount
 36 exceeds a regulatory ceiling, the “bona fide principal amount”
 37 shall not be comprised of any charges or any other fees or
 38 recompense specified in Sections 22200, ~~22201 (including, but~~
 39 ~~not limited to, amounts paid for insurance of the types specified~~
 40 ~~in Sections 22313 and 22314), 22201, 22202, 22305, 22316, 22317,~~

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1 22318, 22319, 22320, 22320.5, and ~~22336~~. 22336, or any amounts
 2 paid for insurance of the types specified in Section 22313 and
 3 22314, or any fees paid to a licensee for the privilege of
 4 participating in an open-end credit program. Nothing in this
 5 subdivision shall be construed to prevent those specified charges,
 6 fees, and recompense that have been earned and remain unpaid in
 7 an existing loan from being considered as part of the bona fide
 8 principal amount of a new loan to refinance that existing loan,
 9 provided the new loan is not made for the purpose of circumventing
 10 a regulatory ceiling provision. This subdivision is intended to
 11 define the meaning of “bona fide principal amount” as used in this
 12 division solely for the purposes of determining whether the loan
 13 amount exceeds a regulatory ceiling, and is not intended to affect
 14 the meaning of “principal” for any other purpose.

15 ~~SEC. 4. Section 22302 of the Financial Code is amended to~~
 16 ~~read:~~

17 ~~22302. (a) Section 1670.5 of the Civil Code applies to the~~
 18 ~~provisions of a loan contract that is subject to this division.~~

19 ~~(b) A loan found to be unconscionable pursuant to Section~~
 20 ~~1670.5 of the Civil Code shall be deemed to be in violation of this~~
 21 ~~division and subject to the remedies specified in this division.~~

22 ~~(c) Charges authorized by Section 22303, 22304, or 22304.5~~
 23 ~~shall not be deemed to be unconscionable pursuant to Section~~
 24 ~~1670.5 of the Civil Code based on the cost of the charges alone.~~

25 SEC. 5. Section 22304.5 is added to the Financial Code, to
 26 read:

27 22304.5. (a) For any loan of a bona fide principal amount of
 28 at least two thousand five hundred dollars (\$2,500) but less than
 29 ten thousand dollars (\$10,000), as determined in accordance with
 30 Section 22251, a licensee may contract for or receive charges at a
 31 rate not exceeding an annual simple interest rate of 36 percent per
 32 annum plus the Federal Funds Rate. ~~As~~

33 ~~(b) As used in this paragraph, section, “Federal Funds Rate”~~
 34 means the rate published by the Board of Governors of the Federal
 35 Reserve System in its Statistical Release H.15 Selected Interest
 36 Rates and in effect as of the first day of the month immediately
 37 preceding the month during which the loan is consummated. If the
 38 Federal Reserve System ceases publication of the federal funds
 39 rate, the commissioner shall designate a substantially equivalent
 40 index.

1 SEC. 6. Section 22305 of the Financial Code is amended to
2 read:

3 22305. In addition to the charges authorized by Section 22303,
4 22304, or 22304.5, a licensee may contract for and receive an
5 administrative fee, which shall be fully earned immediately upon
6 making the loan, with respect to a loan of a bona fide principal
7 amount of not more than two thousand five hundred dollars
8 (\$2,500) at a rate not in excess of 5 percent of the principal amount
9 (exclusive of the administrative fee) or fifty dollars (\$50),
10 whichever is less, and with respect to a loan of a bona fide principal
11 amount in excess of two thousand five hundred dollars (\$2,500),
12 at an amount not to exceed seventy-five dollars (\$75). No
13 administrative fee may be contracted for or received in connection
14 with the refinancing of a loan unless at least one year has elapsed
15 since the receipt of a previous administrative fee paid by the
16 borrower. Only one administrative fee may be contracted for or
17 received until the loan has been repaid in full. For purposes of this
18 section, “bona fide principal amount” shall be determined in
19 accordance with Section 22251.

20 SEC. 7. Section 22307.5 is added to the Financial Code, to
21 read:

22 22307.5. A licensee shall not charge, impose, or receive any
23 penalty for the prepayment of a loan. This section does not apply
24 to loans secured by real property.

25 SEC. 8. Section 22334 of the Financial Code is amended to
26 read:

27 22334. (a) Except as provided in subdivision (b), a licensee
28 shall not enter into any contract for a loan that provides for a
29 scheduled repayment of principal over more than the maximum
30 terms set forth below opposite the respective size of loans.

31	Principal amount of loan	Maximum term
32	Less than \$500	24 months and 15 days
33	\$500 but less than \$1,500	36 months and 15 days
34	\$1,500 but less than \$3,000	48 months and 15 days
35	\$3,000 but less than \$10,000	60 months and 15 days
36		

37
38 (b) The maximum loan term of 60 months and 15 days does not
39 apply to loans secured by real property of a bona fide principal
40 amount in excess of five thousand dollars (\$5,000).

1 (c) A licensee shall not enter into any contract for a loan that
2 provides for a scheduled repayment of principal that is less than
3 12 months. This subdivision applies to a loan of a bona fide
4 principal amount in excess of two thousand five hundred dollars
5 (\$2,500), but less than ten thousand dollars (\$10,000).

6 (d) This section does not apply to open-end loans, or to a student
7 loan made by an eligible lender under the Higher Education Act
8 of 1965, as amended (20 U.S.C. Sec. 1070 et seq.), or to a student
9 loan made pursuant to the Public Health Service Act, as amended
10 (42 U.S.C. Sec. 294 et seq.).

11 SEC. 9. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.

O



SUPPORT AB 539 (Limón-Grayson) - Fair Access to Credit Act of 2019

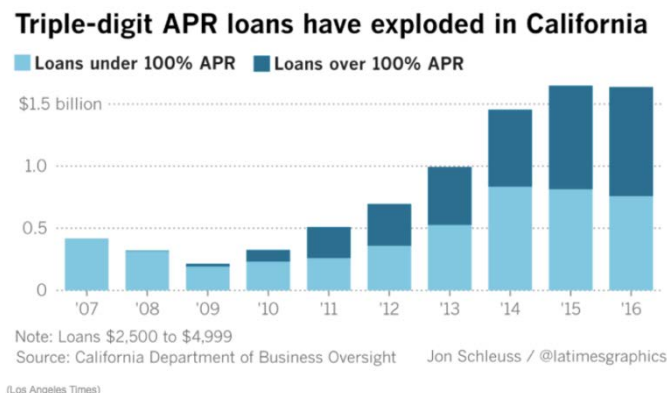
Californians deserve protection from high interest, predatory loans

California law does not limit interest rates on loans of more than \$2,500

In California, loans less than \$2,500 have a rate cap to protect consumers from unconscionable loans. However, loans of more than \$2,500 have no such limits. This puts us well behind 37 states (Colorado, New York, Georgia) that have a cap of 36% APR or less for loans in this range.ⁱ Also, in 2006, Congress capped all loans issued to active duty military at 36%, through the Military Lending Act.

Triple digit interest rates are on the rise

Since 2010, there has been a sharp increase in ultra high-cost installment loans. In 2017, nearly 60% of loans in the range of \$2,500 - \$5,000 had an APR of more than 100%.ⁱⁱ Many of these loans require repayment of 4-8 times the original amount borrowed!



These loans are a debt-trap

The National Consumer Law Center examined high-cost loans in California and found that approximately 20-40% of these loans end up in default. When you take into account borrowers that are struggling to repay and have a 30-day late payment, that number increases to 30%-80% of loans made.ⁱⁱⁱ

Example: \$5,000, 116% Loan Balloons to \$40,000

Here is a complaint submitted to the Consumer Financial Protection Bureau from a California borrower that is illustrative of the issues with these loans:

“In 2014, I took out a \$5,000 personal loan with Cash Call, Inc. The terms of the loan are egregious and predatory. My annual percentage rate is 116%. The cost of my loan, according to my contract is \$35,000 and the total cost, if I make 84 monthly payments (7 years) according to schedule, will be \$40,000. Currently (after 2 years of payments) less than \$3.00 per month is applied toward payment.”



Predatory lenders are aggressively marketing to vulnerable populations

Predatory lenders are aggressively marketing to vulnerable populations through direct mail, phone calls, ads on Black and Latino radio stations, and their expansive number of store fronts, the majority of which are deliberately located in communities of color.^{iv} Predatory lenders are also targeting seniors, veterans, and low-income borrowers.

Borrowers are being steered away from regulated loans into higher dollar loans

Payday lenders are luring borrowers by offering loans of \$1,000 and then steering them into loans of \$2,501, where they can charge 100% APR or more. The following companies have been sued for this practice, Cash Call, now LoanMe, Advance America, California Check Cashing Stores, Check Into Cash, Quick Cash Funding.^v

Access to safe and affordable credit is ruined

Borrowers who end up saddled with these ultra high cost loans very often end up with damaged credit and have trouble accessing lower cost credit in the future. Lenders use aggressive debt collection tactics, including harassing phone calls, car repossession if the loan is secured by car title, and lawsuits where they can pursue wage garnishment or wipe out funds from their bank account. Lenders can also charge off unpaid debt and get a break on their taxes. In addition, borrowers can lose their bank accounts and end up in bankruptcy.

AB 539 stops these predatory tactics, protects consumers and focuses on fair credit

AB 539 caps interest rates at 36% plus the fed fund rate (2.5% today).^{vi} This bill is a compromise between consumer advocates and lenders that are currently offering loans at approximately 36%.

AB 539 limits the terms of loans to a minimum loan term of 12 months and maximum loan of 5 years. This will stop lenders from spreading loans over an extended number of years to hide the true cost.

AB 539 prohibits any prepayment penalties.

ⁱ National Consumer Law Center, "A Larger and Longer Debt Trap? Analysis of States' APR Caps for a \$10,000 Five-Year Installment Loan," October 2018, <https://www.nclc.org/issues/a-larger-and-longer-debt-trap-installment-loan.html>

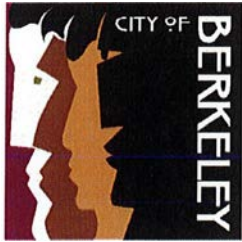
ⁱⁱ California Department of Business Oversight, "California Department of Business Oversight Annual Report" June 2018, http://www.dbo.ca.gov/Press/press_releases/2018/CFL%20RSDL%20Annual%20Reports%20Release%2006-18-18.asp

ⁱⁱⁱ National Consumer Law Center, "Misaligned Incentives, Why high-rate installment lenders want borrowers who will default," July 2016, <https://www.nclc.org/issues/misaligned-incentives.html>

^{iv} California Department of Business Oversight, "The Demographics of California Payday Lending: A Zip Code Analysis of Storefront Locations," December 2016, http://www.dbo.ca.gov/Press/press_releases/2016/Zip%20Code%20Research%20Brief%20Release%2012-07-16.asp

^v California Department of Business Oversight, "DBO Settlement with Advance America Subsidiary Continues Crackdown on Interest Rate Cap Avoidance," March 2018, http://www.dbo.ca.gov/Press/press_releases/2018/Advance%20America%20Settlement%20Announcement%2003-12-18.asp

^{vi} Federal Funds Rate - 62 Year Historical Chart, <https://www.macrotrends.net/2015/fed-funds-rate-historical-chart>



Councilmember
Cheryl Davila
District 2

CONSENT CALENDAR
May 14, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmember Cheryl Davila
Subject: BOSS Rising Stars Gala Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$100 from Councilmember Cheryl Davila, to support the Rising Stars Youth Leadership Gala Event (BOSS) May 31, 2019, 6-8PM, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila, the Mayor and any other Councilmembers who would like to contribute.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$100 is available from Councilmember Cheryl Davila's Council Office Budget discretionary account (011 11 102 000 0000 000 411).

ENVIRONMENTAL SUSTAINABILITY

Providing insight, inspiration, leadership and motivation on personal growth and development for their youthful peers who are also confronting challenges.

BACKGROUND

We are proposing that the City Council make a minimum grant of \$100 to this awards program honoring local youth who are working toward college and other life goals as they struggle to overcome barriers including homelessness, substance abuse and criminal justice system involvement under the auspices of Building Opportunities for Self-Sufficiency (BOSS), with partners Berkeley High School, Berkeley Technology Academy. Assembly member Nancy Skinner will be the keynote speaker, and it will feature performance by the Berkeley High Jazz Band. Last year, the Rising Stars Youth Leadership Gala was attended by over 125 community members providing these highly laudable youth with unforgettable memories, pride and motivation to continue their course and progress toward realization of their chosen goals.

CONTACT PERSON

Cheryl Davila, Councilmember, District 2

510.981.7120

ATTACHMENTS: 1: Resolution

2: Flyer

RESOLUTION NO.##,###-N.S.

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmember Cheryl Davila has surplus funds in her office expenditure account (budget code 011 11 102 000 0000 000 411); and

WHEREAS, a California non-profit tax-exempt corporation BOSS, a community-serving non-profit is seeking donations of support in the amount of \$250 for the Rising Stars Gala community event on May 31, 2019; and

WHEREAS, BOSS' Rising Stars are providing inspiration and motivation that demonstrates to other similarly situated youth that they can also overcome obstacles to achieving their goals;

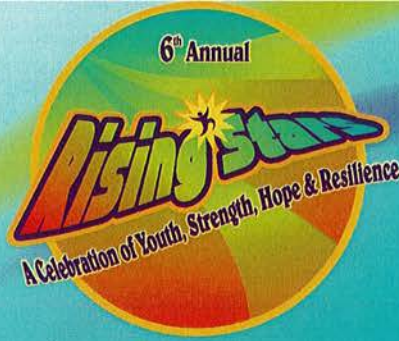
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$250 per office shall be granted to BOSS' Rising Stars Gala Event.

Friday

May 31st 2019

6pm - 8pm

Hotel Shattuck Plaza
2086 Allston Way
Berkeley



Tickets \$30 each / 2 for \$50
BUY TIX @self-sufficiency.org
or call (510) 649-1930

2019 Galaxy Cohort Youth Leadership Gala

Join us as we award our youth
who are shaping bright futures
against the odds



**Awards Program, Food, Fun, Music, Silent Auction
Presented by BOSS (Building Opportunities for
Self-Sufficiency). A family friendly event – come
build YOUR COMMUNITY!**



Performances by: Berkeley High Jazz Ensemble
Emcee: Leslie Stoval, KPFA and California Music Channel

Proud Sponsors:



Become a Sponsor!
Call Sonja at 510.649.1930x1008

**Building Opportunities for Self-Sufficiency (BOSS) provides Housing, Health, Income, and Social Justice programs
that help homeless, poor, and disabled people in Alameda County TURN THEIR LIVES AROUND**

www.self-sufficiency.org | 1918 University Avenue, Suite 2A, Berkeley CA 94704 | Ph (510) 649-1930 | Fx (510) 649-0627



Kate Harrison
Councilmember District 4

CONSENT CALENDAR
May 14th, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmembers Kate Harrison and Ben Bartlett
Subject: Resolution in Support of Charter Reform Assembly Bills

RECOMMENDATION

Adopt a resolution in support of Assembly Bills 1505, 1506, and 1507, which regulate charter schools and give public school boards more authority to resist privatization of schools. Send letters of support to Assemblymember Wicks, Senator Skinner, and Governor Newsom.

BACKGROUND

California is home to one out of every five charter schools in America. In the 2015-2016 school year, 580,000 California students were enrolled in a charter school¹ and that number is expected to increase absent serious regulation. Charter schools receive public education funding but, unlike traditional public schools run by a publicly accountable elected school boards, are run by organizations with self-appointed boards. Charter schools are lucrative² for the organizations behind them benefiting from significant tax incentives, public education money from the state, and absence of union representation for many charter school teachers.³ The evidence is that charter schools do not improve education outcomes.⁴

Both the Oakland⁵ and Los Angeles⁶ school boards called for moratoriums on new charter schools after the historic teacher strikes this winter centered on the fight against charters and school privatization. However, after city school boards deny charter school petitions, under current state law, the petitioners can appeal to the county board of education. Therefore, school board moratoriums, though a powerful gesture, are not effective at

¹ https://ballotpedia.org/Charter_schools_in_California

² https://www.washingtonpost.com/news/answer-sheet/wp/2014/06/04/why-hedge-funds-love-charter-schools/?utm_term=.73a968a7037d

³ <https://eastbaymajority.com/why-billionaires-love-charter-schools/>

⁴ https://www.washingtonpost.com/local/education/charters-not-outperforming-nations-traditional-public-schools-report-says/2013/06/24/23f19bb8-dd0c-11e2-bd83-e99e43c336ed_story.html?utm_term=.550d960a9395

⁵ <https://sanfrancisco.cbslocal.com/2019/03/04/oakland-district-teachers-strike-moratorium-charter-schools/>

⁶ <https://www.reuters.com/article/us-usa-education-los-angeles/l-a-school-board-seeks-pause-on-charter-schools-after-teachers-strike-idUSKCN1PO07A>

Resolution in Support of Charter School Reform Bills

CONSENT CALENDAR
May 14th, 2019

curbing the growth of charter schools. State legislation is required to slow the privatization of public education.

Under our system of uncontrolled charter school growth, important education decisions are being made by investors and unaccountable organizations. Public education exists to serve students, teachers, parents, and the surrounding community. These stakeholders deserve to make decisions about public education. Taken together, this cluster of charter school laws caps the number of charter schools and ensures that any new charters (petitioning after another charter school closes) are wanted by the community and its school board.

AB 1505⁷ (O'Donnell) amends the Charter School Act of 1992 to require charters to get approval from the school district in which the charter school is located. AB 1505 returns control of important decisions about charter school authorizations to elected school board members who, along with parents, students, and teachers, know best the needs of local school communities. It ensures that all matters related to charter school authorization and renewal be made by local school communities after **considering** the economic, facilities, and academic impacts of a charter applicant on students in neighborhood public schools.

Commented [HK1]: Would they be required to make these findings?

AB 1506⁸ (McCarty) caps the number of charter schools statewide and by school district to their current number. Charter school expansion often diverts money out of California's neighborhood public schools. California's original 1992 charter school law included a cap of 100 charters statewide and no more than 10 charters per school district. Since the cap was removed in 1998, the number of charter schools in California has skyrocketed to more than 1,300. AB 1506 establishes a one-in-one-out policy: the only way to authorize new charters is if existing ones close. By also establishing caps in individual school districts, the bill prevents individual districts from being dominated by charter interests.

AB 1507⁹ (Smith) closes a loophole that allows a charter school to operate in a district where it has not been authorized. It is a common-sense solution that will ensure charter schools are authorized and operated by their local districts.

FISCAL IMPACTS OF RECOMMENDATION

No impact. Clerk time necessary to send letter.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Kate Harrison, Berkeley City Councilmember, (510) 981-7140

ATTACHMENTS

- 1: Resolution
- 2: Letters

⁷ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1505

⁸ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1506

⁹ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1507

RESOLUTION NO. ##,###-N.S.

RESOLUTION IN SUPPORT OF CHARTER SCHOOL REFORM BILLS

WHEREAS, students, teachers, parents, and district school board members should be empowered to have control over public education policy decisions that affect them; and

WHEREAS, charter schools are run by unaccountable self-appointed boards, rather than elected school boards that represent the interests of the public; and

WHEREAS, research does not indicate that charter schools lead to better educational outcomes for students, only that charter schools can be lucrative investments and lead to significant tax breaks for their financial backers; and

WHEREAS, the successful Oakland and Los Angeles teachers strikes demanded regulation and oversight of charter schools, and the local school boards for both jurisdictions passed moratoriums on approving new charter schools; and

WHEREAS, charter school expansion diverts money away from neighborhood public schools; and

WHEREAS, the Charter School Act of 1992 set a statewide cap of 100 charter schools with no more than 10 charter schools per school district, but 1998 law repealed these caps; and

WHEREAS, the Charter School Act of 1992 allows state and county entities to approve charter schools even after local school boards deny the petition; and

WHEREAS, a loophole in the Charter School Act of 1992 allows charters to operate in jurisdictions in which they have not been approved;

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council urges Senator Nancy Skinner and Assemblymember Buffy Wicks to support, the California Legislature to pass, and Governor Gavin Newsom to sign into law the California State Assembly Bills 1505, 1506, and 1507; and

BE IT FURTHER RESOLVED that copies of this Resolution will be sent to Governor Gavin Newsom, Senator Nancy Skinner, and Assemblymember Buffy Wicks.

May 14, 2019

The Honorable Patrick O'Donnell
California State Assembly
State Capitol, Room 4001
Sacramento, CA 95814

**RE: Assembly Bill 1505 (O'Donnell)
Support from the Berkeley City Council**

Dear Assemblymember O'Donnell:

We, the Berkeley City Council, wish to express our support for Assembly Bill 1505.

It ensures all matters related to charter school's authorization, renewal, and other key decisions be made by the local school communities – those parents, educators, and locally-elected school board members who know the needs of their neighborhood children. The bill repeals provisions allowing the State Board of Education to approve, renew, or hear appeals of charter school petitions. This proposal allows local school boards to consider the economic, facilities, and academic impact of a charter applicant on students in neighborhood public schools when approving charter schools in their communities.

Overturing locally-elected school board decisions harms students and threatens democracy. Default approval of new schools wastes public funding. Studies show that nearly 450 charter schools have opened in places that already had enough classroom space for all students. Giving a school district total control over how public schools operate within its boundaries allows school board members to use resources efficiently and represent the will of the surrounding community.

Thank you for your leadership on this and other reforms for quality public education.

Sincerely,

Berkeley Mayor and City Council

Cc: Assemblymember Buffy Wicks
Senator Nancy Skinner
Governor Gavin Newsom

May 14, 2019

The Honorable Kevin McCarty
California State Assembly
State Capitol, Room 2136
Sacramento, CA 95814

**RE: Assembly Bill 1506 (McCarty)
Support from the Berkeley City Council**

Dear Assemblymember McCarty:

We, the Berkeley City Council, wish to express our support for Assembly Bill 1506.

Placing a cap on the number of charter schools allowed to operate in California will bring the state in line with the intent of the original charter school law, which was to authorize charters upon agreement of the local educators, parents, and community. The unregulated growth of charters has negatively impacted students over the past two decades. Too often, charter school expansion has meant diverting money out of California's neighborhood public schools to fund privately-managed charter schools with little oversight or regulation. This cap would allow school districts to control the educational opportunities and supports within their communities to best meet the needs of their students.

Removing California's charter school cap was a mistake. California's original 1992 charter school law included a cap of 100 charter schools statewide and no more than 10 charter schools per school district. Since the cap was removed in 1998, the number of charter schools operating in California has skyrocketed to more than 1,300. The 1998 law changes also allow private corporations to manage these charter schools.

Our focus must be on improving public education for all students, not on expansion of corporate charter school chains. California currently has nearly twice as many charter schools as any other state in the nation. Networks of California's charter schools are putting profits before kids by prioritizing growth opportunities over educational opportunities for all students. Neighborhood public schools are bearing the cost for unchecked expansion of privately-managed charter schools and it must stop.

Thank you for your leadership on this and other reforms for quality public education.

Sincerely,

Berkeley Mayor and City Council

Cc: Assemblymember Buffy Wicks
Senator Nancy Skinner
Governor Gavin Newsom

May 14, 2019

The Honorable Christy Smith
California State Assembly
State Capitol, Room 2158
Sacramento, CA 95814

**RE: Assembly Bill 1507 (Smith)
Support from the Berkeley City Council**

Dear Assemblymember Smith:

We, the Berkeley City Council, wish to express our support for Assembly Bill 1507.

AB 1507 deletes the authority of a charter school resource center to be located outside of the jurisdiction or geographic boundaries of the chartering school district. This is in effect a loophole that allows a charter school to operate in a district where it has not been authorized. This practice undermines the ability of a local school board to determine the educational practices of its community. It is a commonsense solution that will ensure charter schools are authorized and operated in their local districts.

The law is broken and charter schools in various parts of the state have abused loopholes for financial gains. Abuse of this loophole hurts students as the charter school operates without meaningful supervision and it diverts money away from student supports. This loophole is undemocratic and leads to poor outcomes for students.

Thank you for your leadership on this and other reforms for quality public education.

Sincerely,

Berkeley Mayor and City Council

Cc: Assemblymember Buffy Wicks
Senator Nancy Skinner
Governor Gavin Newsom



Kate Harrison
Councilmember District 4

CONSENT CALENDAR
May 14th, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmember Harrison
Subject: Rebuilding Together Budget Referral

RECOMMENDATION

Refer to the budget process a one-time allocation to fund Rebuilding Together East Bay-North from the General Fund according to the Housing Advisory Commission recommendations.

BACKGROUND

In the FY2020-2023 Community Agency Funding recommendations, Rebuilding Together East Bay-North applied for federal Community Development Block Grants (CDBG) to fund two different projects: Safe at Home Project and Community Facility Improvement.

Rebuilding Together is a nonprofit that provides free rehabilitation and repairs to the homes of low-income seniors, disabled people, and veterans. Repairing existing housing stock is cheaper than building new housing, so organizations like this keep home ownership affordable in low-income and gentrifying communities. Repairing housing stock is also far more environmentally conscious than building new. Rebuilding Together rehabilitates homes for general livability, and also retrofit homes to be more accessible, green, and seismically fit. Rebuilding Together is focused on residents of South and Southwest Berkeley. At a special meeting of the Housing Advisory Commission on March 13, 2019, many individuals, including disabled and low-income senior homeowners, urged that the Commission continue funding Rebuilding Together due to the benefits they received to live in a safer environment.

The Safe at Home project provides qualified disabled seniors with safety modifications to their homes such as wheelchair ramps, exterior handrails, and grab bars in the bathroom. According to the Center for Disease Control and Prevention, one in three adults aged 65 and older fall every year. Older adults are hospitalized for fall-related injuries five times more often than injuries from other causes. Yet upgrading a home to prevent falls is costly, labor-intensive, and out of reach for many seniors. The Safe at Home project can do carpentry, roofing, weatherization, painting, electrical work, and more at no cost to the homeowner.

The Community Facility Improvement project partners Rebuilding Together with other nonprofit agencies, senior centers, and cultural centers in Berkeley. Recently, through the Community Facility Improvement project, Rebuilding Together provided materials and labor worth thousands of dollars to the Women's Daytime Drop-In Center, including improving the building's foundation, bringing the site up to ADA compliance, correcting plumbing issues, and installing new gutters. Funding the Facility Improvement project assists not only Rebuilding Together, but community organizations across Berkeley and across the East Bay.

City staff did not recommend that Rebuilding Together receive the four-year CDBG grant for either project due to concerns over past deficiencies in financial reporting, but recognized the organization's deep community roots and excellent work in assisting lower-income residents in repairing their homes and remaining housed. These important community projects can be funded on a one-time basis through the General Fund at prior year levels, with milestones set for evaluating reporting compliance.

The Housing Advisory Commission subcommittee on CDBG grants recognized Rebuilding Together's poor past financial performance. However, the executive director is no longer with the organization; a new bookkeeper has been hired and staff report that the organization has begun to comply with completing all needed reports.

FINANCIAL IMPLICATIONS

\$98,275 for the Safe Home program and \$24,575 for the Community Facility Improvement program for a total of \$122,850 from the General Fund.

ENVIRONMENTAL SUSTAINABILITY

Rebuilding Together can make old homes more energy efficient and reduce the carbon footprint of low-income homeowners.

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, 510-981-7140



Kate Harrison
Councilmember District 4

CONSENT CALENDAR
May 14th, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmember Harrison
Subject: Acton and University Traffic Light Budget Referral

RECOMMENDATION

Refer to the budget process a one-time allocation for an overhanging street light at Acton and University

BACKGROUND

University Ave is one of the busiest streets in Berkeley, with tens of thousands of cars traveling the stretch every day. As the heart of Downtown and Central Berkeley's business community, pedestrians frequently cross University to access retail and entertainment venues and public transportation stops. Acton and University is an especially dangerous intersection, with 47 collisions in the past 10 years, per the University of California Transportation Injury Mapping System (TIMS). For comparison, over the same time period, the similarly busy intersection at University and Curtis experienced 19 collisions.

According to local businesses and neighbors, the intersection is particularly dangerous because it has a traffic light in the median, while intersections on either side with a light (for example, at University and Curtis) have overhanging traffic lights. Thus, drivers get accustomed to looking overhead for the next light, which may be green, and do not realize that they are running a red light at Acton.

The median traffic light leads to infrastructure costs for the City. On multiple occasions in the past several years, cars have hit the traffic light in the median, presumably because they could not see the red light. The City is forced to replace the traffic light in the median when this happens. An overhead traffic light is more expensive than a median traffic light, but because they will not be knocked over by cars, they have more longevity. Furthermore, when the median traffic light is down and waiting to be replaced by City staff, the intersection is without a light at all and this dangerous intersection is made even worse.

FINANCIAL IMPLICATIONS

\$400,000 per Transportation Department estimates. May save the City money if the median intersection does not have to be replaced regularly.

ENVIRONMENTAL SUSTAINABILITY

By making intersections safer for bicyclists and pedestrians, we incentivize use of carbon-neutral modes of transportation.

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, 510-981-7140

ATTACHMENTS:

1: Data from TIMS

DRAFT



Attachment
Not Received

This attachment has not been received from the
submitting office.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

The City of Berkeley, City Council's Web site:
<http://www.cityofberkeley.info/citycouncil/>

**SOPHIE HAHN**

Berkeley City Council, District 5
 2180 Milvia Street, 5th Floor
 Berkeley, CA 94704
 (510) 981-7150
 shahn@cityofberkeley.info

CONSENT CALENDAR

May 14, 2019

To: Honorable Mayor and Members of the City Council
 From: Councilmember Sophie Hahn
 Subject: Sponsoring the 2019 Himalayan Fair

RECOMMENDATION

Adopt a resolution approving the co-sponsorship by the City of Berkeley of the 2019 Himalayan Fair to be held at Live Oak Park on Saturday, May 18th and Sunday, May 19th, and approving the expenditure of an amount not to exceed \$300 per councilmember, including \$300 from Councilmember Hahn, to The Himalayan Fair for administrative fees, event production and advertising, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn, and any other Councilmembers who would like to contribute.

BACKGROUND

The Himalayan Fair has been a Berkeley annual event since 1983. It was conceived and initiated by Arlene Blum, local resident and mountain climber best known for leading an all-women's ascent of Annapurna. She envisioned the Fair as a celebration of Himalayan culture and a gathering place for members of the Himalayan Community living in the Bay Area.

The Fair has been incredibly successful, attracting thousands of attendees each year during the two-day event. Fair organizers have worked with Parks, Recreation, and Waterfront staff and the disabled community to ensure the event maintains a scale appropriate to the site and is accessible for all attendees. Co-sponsorship will allow the organizers to use the City's logo in their advertising, and provide inclusion in the City's Calendar of activities.

Proceeds from the event are donated to organizations improving education, public health, and the environment. The festival is on Saturday, May 18th from 10:00am - 7:00pm and Sunday, May 19th from 10:00am - 5:30pm at Live Oak Park at 1300 Shattuck Ave. More information can be found at www.himalayanfair.net

FISCAL IMPACTS

A total of up to \$2,700 from Councilmembers' discretionary budgets.

ENVIRONMENTAL SUSTAINABILITY

This item is consistent with the City's vision on sustainability and the environment.

CONTACT: Sophie Hahn, District 5: (510) 981-7150

RESOLUTION ##,###-N.S.

CO-SPONSORING THE 2019 HIMALAYAN FAIR ON MAY 18TH AND 19TH AT LIVE OAK PARK AND AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE SUPPORT FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, the thirty-sixth annual Himalayan Fair will take place at Live Oak Park in North Berkeley on Saturday May 18th and Sunday May 19th; and

WHEREAS, since its inception by Berkeleyn and groundbreaking mountain climber Arlene Blum in 1983, the Himalayan Fair has become a beloved Berkeley institution; and

WHEREAS, the fair has served as an annual celebration of and gathering spot for the local Himalayan Community, earning over \$200,000 over the past ten years for grass roots projects in the Himalayas; and

WHEREAS, the Himalayan Fair seeks funds for administrative fees, event production and advertising.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley hereby co-sponsors The 2019 Himalayan Fair, and The Himalayan Fair has permission to use the City's name and logo in the event's promotional materials and signage naming the City of Berkeley as a co-sponsor solely for the purpose of the City indicating its policy endorsement of the event.

BE IT FURTHER RESOLVED, by the Council of the City of Berkeley that funds relinquished by Councilmember Hahn of \$300 and any funds, up to \$300 per Council Office Budget, from the Mayor and other Councilmembers shall be granted to the 2017 Himalayan Fair, to fund the following services: administrative fees, event production and advertising.



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
May 14, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmember Wengraf
Subject: Letter in Support of AB 38

RECOMMENDATION

Send a letter of support for AB 38 Fire Safety: State Wildfire Preparedness Board: Fire Hardened Homes Revolving Loan Fund (Wood) to Assemblymember Wood, with copies to Senator Skinner, Assemblywoman Wicks and Governor Newsom.

FINANCIAL IMPLICATIONS

None

BACKGROUND

AB 38 will create a Community Fire Preparedness Council to step up the pace and broaden the scale of California's fire preparedness. This council will be responsible for reviewing and approving community wildfire protection plans; developing best practices for emergency alert and evacuation procedures; creating and executing statewide fire preparedness public education campaigns and promoting, organizing and supporting community fire evacuation drills. This bill will also create regional Community Fire Preparedness Councils in higher-fire severity zones so that they can respond to specific local needs including developing community wildfire protection plans, developing vegetation management ordinances, performing defensible space inspections on both public and private land and providing education and technical assistance for landowners and residents to improve fire safety.

The bill will also create the state's Fire Hardened Homes Revolving Loan Fund of \$1 billion to be used for no- or low-interest loans for homeowners to replace or install items such as ember-resistant vents, install fire-resistant roofing and siding or use the funds to create a noncombustible zone three feet around homes or remove trees within 100 feet of a home.

And finally, AB 38 will require the Community Fire Preparedness Council to develop a list of construction features that must be retrofitted, or built into new construction, in high and very high fire severity zones including features such as fire-resistant roofing and siding, vent screens and any other feature the Council deems critical for home protection. These features, once approved, would be required for all homes and commercial buildings beginning January 1, 2024.

Letter in Support of AB 38

CONSENT CALENDAR
May 14, 2019

ENVIRONMENTAL SUSTAINABILITY

If passed, AB 38 would lower the likelihood of wildfire and its accompanying GHGs.

CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

Attachments:

1: [AB 38](#)

2: Letter in support



California
LEGISLATIVE INFORMATION

AB-38 Fire safety: State Wildfire Preparedness Board: Fire Hardened Homes Revolving Loan Fund. (2019-2020)

AMENDED IN ASSEMBLY APRIL 11, 2019

AMENDED IN ASSEMBLY APRIL 10, 2019

AMENDED IN ASSEMBLY MARCH 21, 2019

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

ASSEMBLY BILL

No. 38

Introduced by Assembly Member Wood

December 03, 2018

An act to add Section 1102.19 to the Civil Code, to add Article 4.3 (commencing with Section 8580) to Chapter 7 of Division 1 of Title 2 of the Government Code, and to add Division 33 (commencing with Section 55500) to the Health and Safety Code, relating to fire safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 38, as amended, Wood. Fire safety: State Wildfire Preparedness Board: Fire Hardened Homes Revolving Loan Fund.

(1) Existing law, the California Building Standards Law, requires the State Fire Marshal to develop, and the California Building Standards Commission to review, building standards to implement the state's fire and life safety policy.

Existing law requires the Director of Forestry and Fire Protection to designate specified areas as very high fire hazard severity zones. Existing law requires the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, to recommend building standards for very high fire hazard severity zones to protect structures and vegetation from fires spreading from adjacent structures or vegetation. Existing law requires persons who own, lease, control, operate, or maintain dwellings or occupied structures in these designated areas to comply with specified requirements, including complying with all applicable state and local building standards. Existing law makes a violation of these provisions a crime.

Existing law requires a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material to maintain defensible space around the building or structure and to maintain vegetation and other fuel loads, as specified.

This bill would establish the State Wildfire Preparedness Board, consisting of specified members, and would prescribe the responsibilities of the state board with regard to the state's fire preparedness. The bill would divide the state's very high fire hazard severity zones into 18 regional wildfire prevention districts, which are advisory bodies to the State Wildfire Preparedness Board, as provided. The bill would prescribe the duties of the districts, including, among others, the promotion, organization, and support for the implementation of regional community fire evacuation drills.

~~(2) Existing law requires the State Fire Marshal to develop a list of low-cost retrofits that provide for comprehensive site and structure fire risk reduction to protect structures from fires spreading from adjacent structures or vegetation and to protect vegetation from fires spreading from adjacent structures.~~

~~(2) Existing law requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining certain property to comply with certain defensible space requirements. Under existing law, the California Building Standards Commission has adopted regulations regarding materials and construction methods for exterior wildfire exposure.~~

~~This bill would, on or after July 1, 2025, require a seller of a building in a very high fire hazard severity zone to provide to the buyer a certificate certifying that the low-cost retrofits developed by the State Fire Marshal have been undertaken on the building. The bill, prior to July 1, 2025, would require the State Fire Marshal to submit to the Legislature for approval the list of low-cost retrofits compiled by the State Fire Marshal. attest, under the penalty of perjury, certain facts related to compliance with defensible space requirements and those regulations. Because the attestation would be submitted under the penalty of perjury, this bill would impose a state-mandated local program.~~

(3) Existing law authorizes local agencies, upon making specified findings, to provide low-interest loans to the owners of buildings within their jurisdiction for the purpose of making seismic safety upgrades to eligible buildings, as defined, to meet current earthquake safety codes. Existing law authorizes these local entities to issue bonds to finance these loans that are secured by a lien on the subject property.

This bill would establish the Fire Hardened Homes Revolving Loan Fund in the State Treasury, as specified. The bill would transfer \$1,000,000,000 from the General Fund to the new fund for the purposes of the bill. Moneys in the fund would be available, upon appropriation by the Legislature, to ~~an unspecified state agency to distribute to local agencies for the purpose of funding no- or low-interest loans~~

~~made by those agencies~~ *the California Statewide Communities Development Authority to provide financial assistance* to owners of eligible buildings to pay for eligible costs of fire ~~hardening~~, *hardening, as specified*. The bill would provide that financing under this program, along with other liens on the subject property, could not exceed 80% of the appraised value of the property. The bill would define terms for its purposes.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: ~~no~~yes

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

The Legislature finds and declares all of the following:

- (a) Climate change has resulted in higher year-long temperatures and increasing dry weather conditions in California, resulting in extended, sometimes multiyear, droughts; extended wildfire seasons throughout the year, with higher temperatures during dry season conditions; and impacts on vegetation wildfire fuel loads and increasing decay and loss of vegetation due to insect infestations and plant diseases.
- (b) Wildfires have grown larger and have increased in intensity over the last several decades. As compared with 1986, wildfires in the western United States have occurred nearly four times more often, burning more than six times the land area and lasting almost five times as long. Through the end of the 2017 calendar year, 11 of the 20 most destructive wildfires in California have occurred in the last 10 years. The 2018 calendar year witnessed the most destructive wildfires in California history in terms of the loss of life and structures.
- (c) In terms of the size of wildfires, in the last decade, enormous wildfires have consumed vast areas, including the 2013 Rim Fire impacting national park and national forest lands, the 2017 Napa Valley, Sonoma Valley, and Santa Rosa wildfires, the 2017 Thomas Fire impacting 200,000 acres, and the 2018 Camp Fire.
- (d) Wildfires, which have impacted occupied areas, have resulted in enormous human and financial costs, including the following:
 - (1) The 1991 Berkeley-Oakland Tunnel Fire, which resulted in 25 deaths, the loss of more than 3,000 homes, and a total financial loss of \$1.5 billion in 1991 United States dollars.
 - (2) The 2003 San Diego Cedar Fire, which resulted in 15 deaths and the loss of 2,000 structures.
 - (3) The 2017 Tubbs Fire, which resulted in 22 deaths, the loss of 5,643 structures, and a total financial loss of approximately \$1.3 billion in 2017 United States dollars.
 - (4) The 2017 Thomas Fire, which resulted in two deaths, the loss of more than 1,000 homes, and a total financial loss of approximately \$2.2 billion in 2018 United States dollars.
 - (5) The 2018 Camp Fire, which resulted in 89 deaths, the loss of 18,804 structures, and at least \$12.4 billion in 2018 United States dollars in insured losses.

(e) More than 2,000,000 California households, approximately one in four residential structures in California, are located within or in wildfire movement proximity of “high” or “very high” fire hazard severity zones identified on maps drawn by the Department of Forestry and Fire Protection. Additionally, areas subject to seismic risks confront the likelihood that wildfires could result from downed power lines and ruptures of natural gas lines caused by earthquakes.

(f) There is a pressing need for wildfire prevention and minimization strategies, on an area-specific basis, that combine increased wildfire resistance within developed areas to minimize wildfire impacts with comprehensive vegetation management measures in wildlands to prevent or severely limit large-scale wildfires from developing and spreading as follows:

(1) Wildfire minimization programs. Developed areas need to carry out comprehensive urban vegetation management programs to reduce vegetation wildfire fuel loads within developed areas. Further, there is a need to provide funding for the hardening of homes and other structures to increase their resistance to wildfires.

(2) Wildfire prevention programs. Comprehensive wildlands vegetation management, responsive to the widely varying vegetation conditions throughout California, is required to reduce vegetation wildfire fuel loads, in relation to the flammability of different vegetation types, to the maximum extent feasible to prevent or severely limit the spread of wildfires.

(3) Wildfire response planning. Area-specific plans should include measures needed to include planning for safe wildlands access for firefighters to the maximum extent feasible.

(g) The diversity of vegetation and development patterns through the state necessitate a geographic approach to planning and implementing wildfire prevention and minimization strategies with fire prevention management agencies covering the geographic areas in which wildfires have or may occur.

(h) Local public agencies have made efforts to prevent wildfires, but, in many instances, lack the expertise, authority, or the financial resources to undertake or complete the tasks at hand.

(i) Wildfires do not respect jurisdictional boundaries or property lines.

(⊕)

(j) Regional wildfire prevention districts designed to address the widely varying vegetation and development characteristics of our diverse state and to ensure that the districts have the expertise, authority, and funding to reduce the threat of wildfires on all lands, public and private, in the wildland urban interface should be established.

(⊕)

(k) The coordination of planning and implementation with federal lands agencies, such as the United States Forest Service and the United States National Park Service, should take place primarily at the state and regional district level as necessary.

SEC. 2.

Section 1102.19 is added to the Civil Code, to read:

1102.19.

~~(a) On and after July 1, 2025, a seller of a building in a very high fire hazard severity zone, as identified by the Director of Forestry and Fire Protection pursuant to Section 51178 of the Government Code or Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code, shall provide to the buyer a certificate certifying that low-cost retrofits compiled and listed pursuant to Section 51189 of the Government Code have been undertaken on the building. attest, under the penalty of perjury, and to the best of their knowledge or belief, both of the following:~~

~~(b) Prior to July 1, 2025, the State Marshal shall submit the list compiled pursuant to subdivision (c) of Section 51189 of the Government Code to the Legislature for approval.~~

(a) The property is in compliance or arrangements have been made to bring the property into compliance with the requirements of Section 51182 of the Government Code.

(b) The roof, gutters, attic ventilation, eaves, eave and cornice vents, and underfloor and appendages have been retrofitted, or arranged to be retrofitted to comply with the requirements of Chapter 7A (commencing with Section 701A.1) of Part 2 of Title 24 of the California Code of Regulations.

SEC. 3.

Article 4.3 (commencing with Section 8580) is added to Chapter 7 of Division 1 of Title 2 of the Government Code, to read:

Article 4.3. State Wildfire Preparedness Board

8580.

(a) The State Wildfire Preparedness Board is hereby established in state government, consisting of the following members:

- (1) The Director of Emergency Services, or the director's designee.
 - (2) The Secretary of the Natural Resources Agency, or the secretary's designee.
 - (3) The Director of Forestry and Fire Protection, or the director's designee.
 - (4) The Secretary of Transportation, or the secretary's designee.
 - (5) The Secretary of California Health and Human Services, or the secretary's designee.
 - (6) The State Fire Marshal, or the State Fire Marshal's designee.
 - (7) The Director of the Office of Planning and Research, or the director's designee.
 - (8) The Secretary of the Department of Corrections and Rehabilitation, or the secretary's designee.
 - (9) (A) A member of the public with expertise in fire science appointed by the Governor.
(B) The member appointed pursuant to this paragraph shall serve at the pleasure of the Governor.
 - (10) (A) A member of the public with expertise in fire science appointed by the Senate Committee on Rules.
(B) The member appointed pursuant to this paragraph shall serve a two-year term.
 - (11) (A) A member of the public with expertise in fire science appointed by the Speaker of the Assembly.
(B) The member appointed pursuant to this paragraph shall serve a two-year term.
- (b) The State Wildfire Preparedness Board shall do all of the following:
- (1) Convene a meeting of its members and one representative from each of the regional wildfire prevention districts, established pursuant to Section 8580.2, at least twice per year to provide technical assistance, review best practices, and receive reports on the progress and obstacles to fire prevention work from the regional wildfire prevention districts.
 - (2) Actively seek opportunities for interagency collaboration and efficiencies.
 - (3) Review and approve the regional wildfire protection plans prepared by each regional wildfire prevention district.
 - (4) Create and implement a statewide fire preparedness public education campaign.

8580.2.

(a) The state's very high fire hazard severity ~~zones~~ *zones, designated pursuant to Section 51178 or Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code*, are divided, for purposes of this article, into 18 regional wildfire prevention districts as follows:

- (1) District 1, which comprises the Counties of Del Norte, Humboldt, and Mendocino.
- (2) District 2, which comprises the Counties of Shasta, Siskiyou, and Trinity.
- (3) District 3, which comprises the Counties of Lassen, Modoc, and Plumas.
- (4) District 4, which comprises the Counties of Butte, Glenn, and Tehama.
- (5) District 5, which comprises the Counties of Nevada, Sierra, and Yuba.
- (6) District 6, which comprises the Counties of Amador, El Dorado, and Placer.
- (7) District 7, which comprises the Counties of Colusa and Lake.
- (8) District 8, which comprises the Counties of Marin, Napa, Solano, and Sonoma.
- (9) District 9, which comprises the Counties of Alameda and Contra Costa.
- (10) District 10, which comprises the Counties of San Mateo, Santa Clara, and Santa Cruz.

- (11) District 11, which comprises the Counties of Merced, Monterey, and San Benito.
- (12) District 12, which comprises the Counties of Alpine, Calaveras, and Tuolumne.
- (13) District 13, which comprises the Counties of San Luis Obispo, Santa Barbara, and Ventura.
- (14) District 14, which comprises the Counties of Fresno, Madera, and Mariposa.
- (15) District 15, which comprises the Counties of Kern and Tulare.
- (16) District 16, which comprises the County of Los Angeles.
- (17) District 17, which comprises the Counties of Orange and San Bernardino.
- (18) District 18, which comprises the Counties of Riverside and San Diego.
- (b) Each regional wildfire prevention ~~district, which is an advisory body to the State Wildfire Preparedness Board, district~~ shall be governed by a board with members ~~who are residents of the counties comprising the district and appointed by the State Wildfire Preparedness Board, consisting of the following:~~
- (1) A member representing each constituent county in the regional wildfire prevention district selected by the board of supervisors of the county.*
- (2) A member from a fire safe council within the regional wildfire prevention district selected by the California Fire Safe Council.*
- (3) A member from each resource conservation district within the regional wildfire prevention district.*
- (4) A member from the regional office of the Department of Forestry and Fire Prevention within the regional wildfire prevention district.*
- (5) A member with fire science expertise from a campus of the University of California within, or closest to, the regional wildfire prevention district selected by the President of the Regents of the University of California.*
- (6) A member from the sheriff's department of each of the county within the regional wildfire prevention district.*

~~8580.4.~~

~~Each regional wildfire prevention district shall do all of the following:~~

- ~~(a) Establish an office.~~
- ~~(b) Select one of its board members as chairperson at the first regular meeting held each year.~~
- ~~(c) Employ individuals with knowledge in wildfire prevention and types of fire-related vegetation commonly found in the district as staff of the district.~~

~~8580.6.8580.4.~~

Each regional wildfire prevention ~~district~~ *district, upon appropriation by the Legislature,* shall do all of the following:

- (a) Establish an office.*
- (b) Select one of its board members as chairperson at the first regular meeting held each year.*
- (c) Develop a region-specific wildfire prevention and preparedness plan that shall include all of the following:*
- (1) A region specific vegetation management ordinance that could be adopted by the relevant jurisdictions within the regional wildfire prevention district.*
- (2) Strategic fire break and fuel reduction projects to provide community protection.*
- (3) Evacuation plans that include both of the following:*
- (A) Emergency notification protocols.*
- (B) A verification of the quality and capacity of identified evacuation routes.*
- (d) Implement a grant program to ensure compliance with regional vegetation management ordinances and the execution of strategic community protection fuel load projects.*

~~(a)~~

(e) Provide education and technical assistance to landowners, residents, and regional community fire prevention advisory groups on fire prevention and land management practices to improve fire safety in the district's region.

~~(b)~~

(f) Review and recommend to the State Wildfire Preparedness Board possible methods of financing ongoing fire preparedness measures, including loan and grant programs, that may be implemented by the member departments of the board.

~~(e)~~

(g) Promote, organize, and support the implementation of regional community fire evacuation drills.

~~(d) Prepare regional wildfire protection plans for approval by the State Wildfire Preparedness Board.~~

~~(e)~~

(h) Prepare a semiannual report and ensure a member of the district attends the meeting convened pursuant to paragraph (1) of subdivision (b) of Section 8580.

SEC. 4.

Division 33 (commencing with Section 55500) is added to the Health and Safety Code, to read:

DIVISION 33. Fire Hardened Homes Revolving Loan Fund 55500.

As used in this division:

(a) "Eligible building" means a building existing as of January 1, 2020, and containing not more than one unit that is intended for human habitation.

(b) "Eligible costs" means all costs, including costs of design, preparation, and inspection, incurred in the following:

(1) Replacing or installing the following:

(A) Ember-resistant vents.

(B) Fire-resistant roofing.

(C) Fire-resistant siding.

(D) Fire-resistant eaves.

(E) Fire-resistant soffits.

(F) Fire-resistant windows.

(2) Establishing a noncombustible zone of five feet around an eligible building.

(3) Tree removal and trimming within 100 feet of an eligible building.

55501.

(a) There is established in the State Treasury the Fire Hardened Homes Revolving Loan Fund. Moneys in the fund shall, upon appropriation by the Legislature, be made available to the ~~_____~~ *California Statewide Communities Development Authority* to provide financing ~~to local agencies to make no- or low-interest loans~~ *assistance* to owners of eligible buildings to pay for eligible costs of fire hardening ~~if the legislative body of the local agency makes one of the following findings: as follows:~~

~~(1)(A) The owner to whom financing would be made available pursuant to this division is unable to qualify for or could not afford financing for eligible costs from private lending institutions.~~

~~(B) The legislative body of the local agency may also make no- or low-interest loans to an owner who is able to qualify or afford financing as long as priority is given to owners described in subparagraph (A).~~

~~(2) Absent the availability of financing pursuant to this division, the eligible building would pose a health and safety risk to its occupants.~~

(1) No- and low-interest loans to a person who owns an eligible building and has an income level up to 120 percent of the area median income.

(2) Rebates for up to 80 percent of the cost of the retrofit to a person who owns an eligible building and has an income level up to 50 percent of the area median income.

(b) Financing provided by a local agency pursuant to this division shall not, when combined with existing liens on the property, exceed 80 percent of the current appraised value of the property, as determined by an independent, certified appraiser, unless existing lienholders consent in writing to a higher loan-to-value ratio. Notice of the intention to provide financing to the owner of the property shall be given to existing lienholders of record not less than 30 days before any vote of the local agency authorizing the provision of financing to the owner of the property.

SEC. 5.

The sum of one billion dollars (\$1,000,000,000) is hereby transferred from the General Fund to the Fire Hardened Homes Revolving Loan Fund to provide no- or low-interest loans to owners of eligible buildings for the eligible costs of fire hardening pursuant to Division 33 (commencing with Section 55500) of the Health and Safety Code.

SEC. 6.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Letter in Support of AB 38

CONSENT CALENDAR
May 14, 2019

May 14, 2019

The Honorable Jim Wood
California State Assembly
State Capitol, Room 6005
Sacramento, CA 95814

RE: AB-38 (Wood) Fire Safety: State Wildfire Preparedness Board: Fire Hardened Homes Revolving Loan Fund Support from the Berkeley City Council

Dear Assemblymember Wood:

On behalf of the Berkeley City Council, I want to express our support for AB-38 (Wood), Fire Safety: State Wildfire Preparedness Board: Fire Hardened Homes Revolving Loan Fund.

Wildfires have increased in numbers and severity in recent years and the toll on lives and property is staggering. The combination of winds and fuel loads have made it impossible for firefighters to manage wildland fires successfully.

We must turn our attention to:

- reducing fuel loads
- planning escape routes
- hardening our homes
- early notification systems

Fires do not know geographical jurisdictions or political boundaries. Coordination between local governments is essential.

AB-38 is focused on addressing the above mentioned issues.

Thank you for your leadership on this important issue!

Sincerely,

Susan Wengraf
Vice Mayor
City of Berkeley

CC: Senator Skinner, Representative Wicks, Governor Newsom



Commission on the
Status of Women

ACTION CALENDAR
May 14, 2019

To: Honorable Mayor and Members of the City Council
 From: Commission on the Status of Women
 Submitted by: Emmaline Campbell, Chairperson, Commission on the Status of Women
 Subject: Equal Pay Independent Audit of City Employees

RECOMMENDATION

Adopt a Resolution providing \$12,500 from the General Fund to pay Dr. Martha Burk to conduct an independent audit of the pay of male and female employees in the City of Berkeley city employee workforce.

FISCAL IMPACTS OF RECOMMENDATION

\$12,500.

CURRENT SITUATION AND ITS EFFECTS

Women are consistently paid less than men in almost every occupation. The persistent disparity in pay between men and women is known as the gender wage gap. In California, women earn only 84 cents for every dollar earned by men, collectively losing over \$33.6 billion dollars each year to the gender wage gap. If the wage gap remains the same, the average woman in California could lose \$322,120 to pay inequity over the course of her lifetime. In Berkeley, the pay gap is especially high; on average, women here earn only 71 cents for every dollar earned by men.

The City has no data, report, or plan for a report on the pay gap between male and female employees employed by the City of Berkeley.

BACKGROUND

The Equal Pay Recommendation of 2017

The Commission on the Status of Women formed an Equal Pay Subcommittee in January 2016 based on a referral from Councilmember Worthington in 2015. The subcommittee spent 10 months developing the Equal Pay Recommendation, which was presented to City Council in April 2017.

The Commission's recommendation was the culmination of substantial work. First, the Commission completed a research phase, speaking with leaders on equal pay in Boston, San Francisco, and Albuquerque. The Commission developed a custom model for Berkeley based on the city's size and level of resources available for this program. The Commission then hosted a local business focus group session and an Equal Pay Town Hall.

As a result of this work, the Commission on the Status of Women created a three-part recommendation for City Council:

1. Direct staff to draft an ordinance related to an equal pay vendor preference for city contractors who demonstrate equal pay for male and female employees (gender based on self-identification),
2. Complete a **pay audit** on the salaries of City of Berkeley employees to investigate potential gender pay gaps within the city workforce, and
3. Develop an equal pay certification program for city contractors.

In April 2017, the City Council unanimously passed the recommendation.

After the Passage of the Recommendation

The City Council prioritized each of the Recommendation's items as follows during the May 30, 2017 vote on the 2017 City Council Referral Prioritization Process Using Re-Weighted Range Voting:

1. Vendor Preference Ordinance - #8
2. **Audit - #2**
3. Equal Pay Certification Program - #22

The Commission on the Status of Women engaged in substantial follow-up on this recommendation. In November and December 2017, the Chair spoke extensively with City Auditor Ann-Marie Hogan, who advised that the Auditor could not fulfill this request. Ms. Hogan also spoke with Human Resources, who advised that they could not fulfill such an item.

The Chair emailed City Manager Dee Williams-Ridley in January 2018 and February 2018 and received no response or follow-up. The Chair emailed Interim Deputy City Manager Paul Buddenhagen in August 2018 and engaged in a series of back-and-forth emails with city staff over the course of two months that provided no substantive information on any progress on any of the three parts of the recommendation.

In October 2018, the Commission invited City Manager Dee Williams-Ridley to speak at its meeting. The Commission specifically requested briefing on the Equal Pay item. **Ms. Williams-Ridley stated there was no plan to ever begin the Equal Pay Audit.**

Moving Forward: This Subsequent Recommendation

At this stage, it is clear that the only way to assess pay equity in the city workforce is through an independent audit. The Commission recommends contracting with Dr. Martha Burk for the audit. Dr. Burk is the unparalleled leader of the gender pay equity movement.

M/S/C (Howard/Sandoval)

Ayes: Campbell, Howard, Shanoski, Leftwich, Sandoval

Her biography is as follows:

Martha Burk is a political psychologist and women's issues expert specializing in gender pay equity, and co-founder of the Center for Advancement of Public Policy, a research and policy analysis organization in Washington, D.C. She serves as the Money Editor for Ms magazine, and she is a syndicated newspaper columnist and front-page blogger for Huffington Post and the Center for American Progress. From 2012-2015 she produced and hosted her national public radio show Equal Time with Martha Burk. Her latest book, *Your Voice, Your Vote: The Savvy Woman's Guide to Power, Politics, and the Change We Need* (2016-2018), is a Ms magazine book selection. Her work has been published in major U.S. newspapers and she has appeared on all major television networks in the United States.

From 2000-2005 Dr. Burk served as Chair of the National Council of Women's Organizations a network of over 200 national women's groups collectively representing ten million women. In that capacity she led the campaign to open Augusta National Golf Club to women, and she remains at the forefront of change for women in corporate America. She crafted the first-in-the-nation gender pay equity initiative at the state level in New Mexico in 2010 as a senior advisor to then-Governor Bill Richardson, and continues to advise business organizations and government entities at all levels on gender pay equity.

Burk is a frequent speaker on women's issues, civil society, and women's leadership. She is an active contributor to the Journalism and Women Symposium, and is a contributing speaker to SheSource, a Project of the Women's Media Center. Burk holds a Ph.D. in psychology from the University of Texas at Arlington. Her background includes experience as a university research director, management professor, and advisor to both non-government

organizations (NGOs) and political campaigns and organizations.

In addition to extensive work on domestic policy, Dr. Burk has conducted training workshops with women's NGOs internationally in Macedonia and Kuwait, under the sponsorship of USAID and the United Nations, and has conducted training in the U.S. for delegations from Russia, Botswana, Korea, Romania, Bulgaria, and the Middle East. She has recently been a member of official U.S. delegations to international conferences in Cuba, Iceland, Lithuania, Latvia, Estonia, and China. Dr. Burk has been asked by the U.S. Department of State to brief the foreign press on the U.S. presidential elections several times.

Dr. Burk has served on the Commission for Responsive Democracy, the Advisory Committee of Americans for Workplace Fairness, the Sex Equity Caucus of the National Association for the Education of Young Children, and the board of directors of the National Committee on Pay Equity. She has also served as an advisory board member to several other national organizations, including the U.S. Committee for UNIFEM, and Women for World Peace, a project of the Twenty First Century Foundation, and the PAX World Fund. Dr. Burk has been a key part of the Commission's work on equal pay. She has advised the Commission on all previous steps of the Equal Pay Recommendation at no cost and her expertise on pay equity was essential to the Commission's work. She has previously completed a similar audit for the State of New Mexico. (Attachment 3.)

She proposes an audit that would be completed in 45 working days with the following:

- Merging of relevant databases maintained by the city since all data needed for gender pay equity comparisons across departments is not maintained in a single database.
- Gender comparison of compensation within departments, either by job title or salary grade, depending on availability and reliability of data provided by the city.
- Analysis broken out by union/non union departments and/or employees.
- Job segregation by gender, department, and job title.
- Consultation via telephone and email with City of Berkeley officials as needed.
- Possible separate analysis of part-time or hourly employees depending on data available.

See Attachment 2 for more details.

ENVIRONMENTAL SUSTAINABILITY

No environmental impact.

RATIONALE FOR RECOMMENDATION

The Council already decided that an audit of the city's pay gap should be conducted and is a top priority; since the City is unable to complete the audit internally, an independent audit is the only option remaining. Without an audit, the City Council cannot get valuable information about the pay gap in the city workforce and cannot remedy any inequalities.

CITY MANAGER

See companion report.

CONTACT PERSON

Shallon Allen, Secretary to the Commission on the Status of Women, 510-981-7071

Attachments:

- 1: Resolution
- 2: Dr. Burk's Proposal for the Berkeley Pay Equity Audit
- 3: Dr. Burk's Previous Audit of the New Mexico State Workforce

RESOLUTION NO. ##,###-N.S.

INDEPENDENT GENDER PAY EQUITY AUDIT FOR CITY EMPLOYEES

WHEREAS, the City of Berkeley Commission on the Status of Women advocates for the rights of all employees to receive pay without discrimination;

WHEREAS, women in Berkeley earn an average of 71 cents for every dollar earned by men;

WHEREAS, an audit of the pay of City of Berkeley employees is the first step to determining where pay inequities lie;

WHEREAS, the City of Berkeley City Council passed the Equal Pay Recommendation, including a requirement of a city employee pay equity audit, in April 2017;

WHEREAS, the City cannot complete the audit internally;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that \$12,500 will be relinquished from the General Fund to pay Dr. Martha Burk to conduct an independent audit of the pay of male and female employees in the City of Berkeley.

Center for Advancement of Public Policy
501(c)(3) Non Profit Organization EIN#: 521728313
323 Morning Sun Trail
Corrales, NM 87048
202-247-1300

Proposal for Consulting Services, Martha Burk, Ph.D.

BACKGROUND

The *City of Berkeley Commission on the Status of Women Referral Response: Gender Pay Equity* dated April 4, 2017, contains concrete recommendations that the city can implement to ensure gender pay equity in the city workforce, as well as by contractors doing business with the city. As the Referral Response points out, before contractors can reasonably be required to report pay statistics by gender, it is necessary for the City of Berkeley to analyze its own workforce in order to correct any gender disparities that may be found.

Dr. Martha Burk's unique and extensive experience can be of high value in implementing the recommendations contained in the Referral Response. She designed and directed the implementation of the first such initiative in the U.S. under New Mexico Governor Bill Richardson in 2009, which included a gender pay equity analysis of 19,811 state classified employees (final report attached) prior to designing and implementing a contractor reporting requirement.

Dr. Burk has been consulting with a number of government entities at state, county and city levels since 2010 on similar efforts in various stages of planning. She also designed the first-in-the-nation contractor reporting initiative on gender pay equity at the municipal level for the City of Albuquerque in 2015, and is currently overseeing the project on an ongoing consulting basis. Her work in this area has been presented by invitation to the EEOC, OFCCP, and the National Academy of Sciences, and featured on the U.S. Department of Labor website.

This proposal is for carrying out Referral Response Recommendation #2: City Pay Audit.

WORK PLAN AND DELIVERABLES

The work plan assumes the timely provision of relevant documents and other records related to compensation of City of Berkeley employees by departments responsible for maintenance of such records. The work plan is further predicated on availability of key employees for consultation and answering questions that may arise in the course of the analysis.

Review and analysis includes :

Merging of relevant databases maintained by the city since all data needed for gender pay equity comparisons across departments is not maintained in a single database.

Gender comparison of compensation within departments, either by job title or salary grade, depending on availability and reliability of data provided by the city.

Analysis broken out by union/non union departments and/or employees.

Job segregation by gender, department, and job title.

Consultation via telephone and email with City of Berkeley officials as needed.

Possible separate analysis of part-time or hourly employees depending on data available.

Review and analysis will be followed by a comprehensive written report detailing the results. To ensure that the City of Berkeley goals for gender pay equity in its workforce are met with a minimum of problems, the report will include suggestions and recommendations for changes and/or enhancements along with rationale, advantages, and possible disadvantages of any recommended actions.

The report will also identify possible areas of concern, if any, regarding a smooth and successful implementation of Referral Response Recommendation #1: Contractor Bid Incentives.

ITEMS NOT INCLUDED

Analysis of fringe benefits
Race/ethnicity data
Data on employees in positions not budgeted
Data on temporary employees
Travel to Berkeley if needed

TIMELINE AND FEES

On receipt of signed agreement, consulting contract to be completed forty-five (45) working days from receipt of relevant data.

Fee: \$12,500

Travel (if required) and additional consulting by separate agreement.

NON- DISCLOSURE AGREEMENT

If this proposal is accepted, it will be governed by a Non-Disclosure Agreement.

Contact:

Martha Burk, Ph.D., President, Center for Advancement of Public Policy
202-247-1300
Email: martha@marthaburk.org
website: genderpayequity.org

Attachment

Gender Wage Gaps in the New Mexico State Classified Workforce

by

Martha Burk, Ph.D., Senior Policy Advisor on Women's Issues

September 23, 2009

Special thanks is given to State Personnel Office Director Sandra Perez, State Director of Compensation Justin Najaka, and Compensation & Classification Analyst Vanessa Readwin for providing initial data analysis and staff support for this study.

Executive Summary

This report is an examination of gender wage gaps and job segregation affecting the classified workforce in all departments of the New Mexico state government. It is a follow up to the pilot study conducted on six departments in state government in 2008, as requested by Governor Bill Richardson and carried out by Dr. Martha Burk, Senior Policy Advisor for Women's Issues, with substantial support from the New Mexico State Personnel Office.

A plan for gathering data for the pilot study was developed over several meetings with State Personnel Office Director Sandra Perez, State Director of Compensation Justin Najaka, and State Auditor Hector Balderas and his staff. The same procedures and methodology were used in gathering and analyzing the gender wage gap data on all departments addressed in the present study.

The analysis reported herein, comparing women and men in all departments by pay band, was conducted in August, 2009. A very stringent criterion was used for defining gender wage gaps, with any discrepancy over 3% being counted as a gap.

Conclusions

The State of New Mexico can take pride in the fact fully one third of the 396 pay bands with both women and men show no gender pay gaps, and the state is far below national averages in gender wage disparity. Some departments, such as Tax and Revenue are very close to parity, with pay gaps that are extremely small (2 pay gaps, both under 5%, out of 14 pay bands analyzed).

- Those gender wage gaps found in the New Mexico classified workforce are moderate, and much lower than national averages. Nationally, females make 77cents to the male dollar for full-time, year-round work, resulting in a gender wage gap of 23% favoring males. Of the 396 pay bands analyzed for gender pay gaps, only 15 had gaps exceeding 20%, affecting a mere 76 individuals of 19,811 in the workforce (0.003%)
- Even though "glass ceilings" are a well-documented problem nationally, the State of New Mexico should be commended for the fact that there are no apparent "glass ceilings" in the classified workforce, though a very small number of trends affecting both women and men in selected departments should be analyzed.
- While job segregation in the national workforce is a recognized factor in producing gender wage gaps, and there is a great deal of job segregation (e.g. job titles that are totally or predominately held by one gender) in a majority of New Mexico departments, such job segregation does not generally result in gender wage disparities when analyzed by pay bands. However, gender segregation in jobs is a problem for diversity and should be addressed to produce a more balanced workforce.

- Gender wage gaps were found in most departments in this study, across the majority of pay bands. Overall, the gender wage gaps favored women, in both number and size.
- In all departments, most gaps were in the very low to moderate range, with a few larger exceptions on both sides.

Recommendations

- Even though the clear majority of gender wage gaps are low to moderate, they should be reviewed by management and goals and timetables for remedies put in place where needed.
- Managers should be charged with annual reviews of progress toward these goals.
- The level of job segregation reflects traditional sex roles (and sex role stereotyping) in many cases, and lopsided departments do not “cancel out” one another. A diverse workforce is a goal for the State of New Mexico, and managers with sex-segregated departments are encouraged to increase their efforts at diversification.
- Technical assistance in overcoming both job segregation and gender pay gaps should be provided by the State Personnel Office, as outlined by the Governor’s Task Force on Fair and Equal Pay.
- Race and ethnicity analysis should be undertaken on at least three departments identified by the State Personnel Office and the State Auditor, to identify barriers or potential problems in incorporating race and ethnicity with future gender pay gap analyses for all departments in state government.

Gender Wage Gaps in the New Mexico State Classified Workforce

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Gender Wage Gaps in the New Mexico State Classified Workforce

Background

This report is an examination of gender wage gaps and job segregation in all departments of the New Mexico state government. It is a follow up to the pilot study conducted on six departments in state government in 2008, as requested by Governor Bill Richardson, and carried out by Dr. Martha Burk, Senior Policy Advisor for Women's Issues, with substantial support from the New Mexico State Personnel Office.¹

A plan for gathering data for the pilot study was developed over several meetings with State Personnel Office Director Sandra Perez, State Director of Compensation Justin Najaka, and State Auditor Hector Balderas and his staff. The same procedures and methodology were used in gathering and analyzing the gender wage gap data on all departments addressed in the present study.

It is generally agreed that any analysis of wage gaps should not only include gender but race and ethnicity, since these factors often interact. Significant problems in gathering pay data by gender, job titles, and compensation were not anticipated. However, due to past procedures for gathering data on race/ethnicity, some reaching back as far as 25 years, there was concern that existing data were not reliable enough to put forward with an appropriate degree of confidence. As part of the preliminary reporting process for the pilot study, State Personnel Director Sandra Perez, in consultation with the State Auditor, instituted a process to update both race/ethnicity data and education throughout the state classified workforce.

While all agencies were successful in obtaining the data forms and completing the verification and data entry, the data were not integrated in a way that could be used in the present study. Therefore this analysis is of gender wage gaps only, without regard to race or ethnicity. The recommendations contained in the report to the Governor's Task Force on Fair and Equal Pay (Executive Order 2009-004) will include developing an appropriate methodology for including race and ethnicity data in future reports.

Methodology and Results

Job Segregation

Job segregation was measured by a simple count of number of females and number of males in each department. Departments with more than 60% of one gender are considered segregated by gender. Job segregation is of less concern as department size decreases, since many pay bands may include only one individual in small departments. Accordingly, data are reported separately

¹Burk, Martha. "Gender Pay Gaps in Six Selected Departments in the New Mexico State Government," November, 2008. <http://www.governor.state.nm.us/htdocs/Pay%20Equity%20Report%20January%202009.pdf>

for departments with more than 50 employees and those with 50 or fewer employees. A summary table can be found in Appendix I.

Thirty-five departments have more than 50 employees, ranging from a low of 53 (Homeland Security & Emergency Management) to a high of 3692 (Department of Health). Sixteen departments (46%) are female dominated, six (17%) are male dominated, and twelve (35%) show no gender segregation according to the criterion used.² In the departments with more than 50 employees, the greatest job segregation was found in Game and Fish, with 83.78% males, and Human Services, with 81.79% females.

Thirty departments have fewer than 50 employees, ranging from a low of 2 (Juvenile Parole Board, Architectural Examiners Board, Border Development) to a high of 45 (Educational Retirement Board). Twenty departments (66%) are female dominated, two (6%) are male dominated, and four (13%) show no gender segregation according to the criterion used. The two departments that show male dominance are below 67% male, while a number of the female dominated departments fall in the 70-85% range. Four departments (all boards) are 100% female, though three of these have only two members. A greater concern is the New Mexico Medical Board, which has 10 women and no men.

While this level of job segregation reflects traditional sex roles (and sex role stereotyping) in many cases, it does not mean that one lopsided department is “canceled out” by another. Managers with highly sex-segregated departments are encouraged to increase their efforts at diversification.

Gender Wage Gaps

Various measures have been employed for determining whether a given wage gap between groups (e.g. men and women) is significant. Factors include such variables as number of employees in a given classification, width of pay bands, experience, and turnover. Experts agree that gender wage gaps are expected to be smaller for public employers than for private corporations, because better safeguards (such as the Hay Guide-Chart Profile Method of Job Evaluation system used in New Mexico) are more often in place to minimize disparities due to factors not directly related to qualifications and performance. Accordingly, for purposes of this analysis, wage averages with differentials of less than 3% were treated as equal. Obviously as differentials increase, the seriousness of a given disparity increases (e.g. a gender wage gap of 3% is of much less concern than a gap of 30%).

The assumption built into the Hay system used in New Mexico to determine pay bands for different jobs is that the system captures experience, skill, effort, responsibility and working conditions to produce a pay band for a given job. These are "measured" though three quantifiable, job-related compensable factors; Know-How, Problem-Solving and Accountability.

²Numbers do not add to 100% due to rounding error.

A fourth compensable factor of Additional Compensable Elements and Accountability may be used to measure areas such as physical effort, environment, hazards or sensory attention. Job content points for each job correlate to a particular pay band. This means that all jobs in a pay band in a given department can be compared on these variables, and an evaluation can be made as to whether gender pay gaps exist in a given pay band with dissimilar but equally rated jobs. All pay bands have a range, and pay band mid-points are included in this report for reference.

Due to uneven numbers of males and females in job categories, an overall “average pay gap” is not meaningful, so is not reported. (e.g. If overall the gender pay gap favors males in half the jobs and females in half, and the gaps are roughly equal in percentage, the average will be close to zero. This indicates there are no gender pay gaps, when in fact there could be substantial ones on both sides.)

Given that the work force is substantially segregated by job title in many departments, resulting in substantial numbers of job titles that would by necessity be left out of a job title analysis, a pay band analysis was used. Virtually all employees can be included in a pay band analysis in all but the smallest departments.

In the pay band analyses, all employees in a given pay band in a department were grouped, regardless of job title. For example, in the Department of Transportation, Training and Development Specialist-O, which is pay band 60, was grouped with Budget Analyst-O, which is also pay band 60, but a dissimilar job title. This grouping produces an analysis of gender wage gaps according to pay bands, giving a clearer picture of gender wage gaps at a given level of compensation overall.

Results

A total 615 pay bands in 65 departments were analyzed for gender pay gaps. Two hundred and nineteen of these were gender segregated (90% of gender segregated pay bands had 3 or fewer employees, most with only one worker), so no gender comparison was possible.

Pay Bands Examined	615
Pay Bands Segregated by Gender	219 (over 90% of these contained 3 or fewer people)
Bands containing both genders	396
No gender wage gap	129
Gender wage gap	267
Gap favors females	141
Gap favors males	126

Complete charts showing gender wage gaps by pay band by department are included in Appendix II of this report. Positive numbers indicate gender wage gaps favoring males, and negative numbers indicate gender wage gaps favoring females.

While this report and the discussion below includes all pay bands with at least one female and one male, caution must be used in comparing pay by gender when the number of individuals is extremely low. However, even if too low to draw conclusions about systemic problems, gender wage gap numbers in pay bands with few employees can still be indicative. For example, in the Educational Retirement Board, there are 5 pay bands where fewer than five individuals are employed.. In 4 of the 5 cases, the gender pay gap favors females, but in the one case favoring the male, the gap is substantially greater than those favoring females. It is recommended that management in all departments review such cases to determine whether remedial action is warranted.

As in the pilot study of six departments in 2008, gender pay gaps are scattered throughout all departments, though fully one third of the 396 pay bands with both women and men show no gender pay gaps. Some departments, such as Tax and Revenue are very close to parity, with pay gaps that are extremely small (2 pay gaps, both under 5%, out of 14 pay bands analyzed).

By far the majority of pay gaps in the New Mexico State classified workforce are moderate in size and do not approach the national average of 22% (though a very few appear to be much higher than expected). Of the 396 pay bands analyzed for gender pay gaps, only 15 had gaps exceeding 20%, affecting a mere 76 individuals of 19,811 in the workforce (0.003%).

Slightly more (52%) of the pay gaps favor women , and with a few notable exceptions, the pay gaps favoring women are generally of a greater magnitude than those favoring men.

It is tempting to review the results of this study and conclude that the gender wage gaps “even out.” For example, the gender wage gap in pay band 35 in the General Services Department favors females by 6.58%, and the gender wage gap in pay band 50 favors females by 6.27%. Viewing gender wage gaps as virtually equal and therefore canceling out is illogical and does nothing to remedy inequities for individuals or groups of workers on the wrong side of any given gap. (The old saying two wrongs don’t make a right applies here.) Every gender wage gap is a problem, and remedial steps should be taken, regardless of whether there is a countervailing gap on the other side.

Dismissing gender wage gaps as insignificant because they appear small or do not reach the level of national averages is also a disservice to employees. The gender wage gap of only 3.48% in pay band 70 in the Public Defender’s department translates to a shortfall of \$700 over a year’s time. Larger pay inequities produce larger losses for workers. The 6.93% gender wage gap in pay band 85 that is found in Aging and Long Term Services translates to \$5096 a year, and the 10.43% gap in this pay band in Transportation means a yearly loss of \$7155. It is doubtful that the workers disadvantaged by these gender pay gaps would view them as insignificant.

Glass Ceiling

Departments were also analyzed for “glass ceilings,” meaning either women or men are concentrated in lower paying jobs and their ranks thin as the pay band increases.

There does not appear to be a “glass ceiling” in the New Mexico system, as women and men are found in most paybands throughout the system. However, some trends should be examined. In the Department of Finance and Administration, all of the pay gaps in the lower levels favor women, and all of the gaps at higher levels favor men, though by smaller amounts. In both the State Treasurer’s office and Game and Fish, the pay gaps favor men in every pay band except one. The large majority of pay gaps in Military Affairs and the Department of Transportation favor women, even though these workforces are heavily male dominated. There are nine men and no women at the highest level in Transportation. The lowest pay band in Aging and Long Term Services has 19 women and no men. Management is encouraged to review these results.

Conclusions

The State of New Mexico can take pride in the fact fully one third of the 396 pay bands with both women and men show no gender pay gaps, and the state is far below national averages in gender wage disparity. Some departments are very close to parity, with pay gaps that are extremely small.

- Those gender wage gaps found in the New Mexico classified workforce are moderate, and much lower than national averages. Nationally, females make 77cents to the male dollar for full-time, year-round work, resulting in a gender wage gap of 23% favoring males. Of the 396 pay bands analyzed for gender pay gaps, only 15 had gaps exceeding 20%, affecting a mere 76 individuals of 19,811 in the workforce (0.003%).
- Even though “glass ceilings” are a well-documented problem nationally, the State of New Mexico should be commended for the fact that there are no apparent “glass ceilings” in the classified workforce, though a very small number of trends affecting both women and men in selected departments should be analyzed.
- While job segregation in the national workforce is a recognized factor in producing gender wage gaps, and there is a great deal of job segregation (e.g. job titles that are totally or predominately held by one gender) in a majority of New Mexico departments, such job segregation does not generally result in gender wage disparities when analyzed by pay bands. However, gender segregation in jobs is a problem for diversity and should be addressed to produce a more balanced workforce.
- Gender wage gaps were found in most departments in this study, across the majority of pay bands. Overall, the gender wage gaps favored women, in both number and size.
- In all departments, most gaps were in the very low to moderate range, with a few larger exceptions on both sides.

Recommendations

- Even though the clear majority of gender wage gaps are low to moderate, they should be reviewed by management and goals and timetables for remedies put in place where needed.
- Managers should be charged with annual reviews of progress toward these goals.
- The level of job segregation reflects traditional sex roles (and sex role stereotyping) in many cases, and lopsided departments do not “cancel out” one another. A diverse workforce is a goal for the State of New Mexico, and managers with sex-segregated departments are encouraged to increase their efforts at diversification.
- Technical assistance in overcoming both job segregation and gender pay gaps should be provided by the State Personnel Office, as outlined by the Governor’s Task Force on Fair and Equal Pay.
- Race and ethnicity analysis should be undertaken on at least three departments identified by the State Personnel Office and the State Auditor, to identify barriers or potential problems in incorporating race and ethnicity with future gender pay gap analyses for all departments in state government.

Appendix I

Gender Pay Gaps in the New Mexico State Workforce by Department

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
State Auditor	30800	40	\$12.37	1	\$15.35	0	\$0.00	(\$15.35)	
	30800	60	\$18.47	3	\$17.38	1	\$20.54	\$3.15	15.35%
	30800	65	\$20.40	3	\$22.11	3	\$21.72	(\$0.39)	-1.80%
	30800	70	\$22.74	1	\$28.33	0	\$0.00	(\$28.33)	
	30800	75	\$25.50	1	\$29.33	0	\$0.00	(\$29.33)	
	30800	85	\$32.70	3	\$28.28	2	\$31.12	\$2.84	9.14%
	30800	90	\$37.35	1	\$37.74	5	\$36.82	(\$0.92)	-2.51%
Dept Totals	24			13		11			
% of Total				54.17%		45.83%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap/Male
Tax and Rev	33300	30	\$10.44	13	\$10.98	14	\$10.69	(\$0.29)	-2.68%
	33300	35	\$11.33	29	\$11.25	7	\$11.11	(\$0.14)	-1.29%
	33300	40	\$12.37	27	\$11.95	7	\$11.92	(\$0.03)	-0.22%
	33300	45	\$13.61	227	\$13.44	50	\$13.58	\$0.14	1.03%
	33300	50	\$15.11	37	\$15.33	9	\$14.94	(\$0.38)	-2.57%
	33300	55	\$16.89	132	\$17.14	62	\$17.15	\$0.02	0.09%
	33300	60	\$18.47	99	\$19.61	65	\$19.70	\$0.09	0.47%
	33300	65	\$20.40	67	\$24.23	36	\$24.77	\$0.54	2.18%
	33300	70	\$22.74	3	\$23.35	8	\$22.42	(\$0.93)	-4.13%
	33300	75	\$25.50	30	\$28.35	26	\$27.87	(\$0.48)	-1.71%
	33300	80	\$28.76	8	\$33.77	13	\$32.56	(\$1.20)	-3.70%
	33300	85	\$32.70	17	\$34.53	32	\$34.54	\$0.01	0.03%
	33300	90	\$37.35	3	\$41.25	6	\$40.14	(\$1.11)	-2.76%
	33300	95	\$42.92	4	\$40.52	4	\$41.22	\$0.70	1.71%
Dept Totals	1035			696		339			
% of Total				67.25%		32.75%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
State Investment Council	33700	40	\$12.37	1	\$13.52	0	\$0.00	(\$13.52)	
	33700	45	\$13.61	1	\$16.90	0	\$0.00	(\$16.90)	
	33700	60	\$18.47	2	\$19.39	0	\$0.00	(\$19.39)	
	33700	65	\$20.40	1	\$23.55	0	\$0.00	(\$23.55)	
	33700	70	\$22.74	3	\$25.36	0	\$0.00	(\$25.36)	
	33700	75	\$25.50	1	\$33.09	1	\$28.24	(\$4.85)	-17.18%
	33700	80	\$28.76	1	\$28.75	0	\$0.00	(\$28.75)	
	33700	85	\$32.70	2	\$29.78	1	\$41.96	\$12.19	29.04%
	33700	90	\$37.35	1	\$47.41	2	\$43.31	(\$4.10)	-9.48%
33700	95	\$42.92	2	\$56.77	6	\$50.83	(\$5.94)	-11.69%	
Dept Totals	25			15		10			
% of Total				60.00%		40.00%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
DFA	34100	40	\$12.37	5	\$14.17	1	\$12.36	(\$1.81)	-14.62%
	34100	45	\$13.61	1	\$15.00	0	\$0.00	(\$15.00)	
	34100	50	\$15.11	2	\$16.89	1	\$14.44	(\$2.46)	-17.01%
	34100	55	\$16.89	7	\$17.21	1	\$14.49	(\$2.72)	-18.78%
	34100	60	\$18.47	11	\$19.86	4	\$16.62	(\$3.25)	-19.53%
	34100	65	\$20.40	21	\$22.40	16	\$20.93	(\$1.47)	-7.02%
	34100	70	\$22.74	5	\$24.73	0	\$0.00	(\$24.73)	
	34100	75	\$25.50	23	\$28.70	10	\$30.30	\$1.60	5.27%
	34100	80	\$28.76	2	\$30.73	3	\$33.60	\$2.87	8.53%
	34100	85	\$32.70	11	\$34.62	14	\$35.16	\$0.54	1.54%
	34100	90	\$37.35	4	\$41.03	6	\$41.73	\$0.69	1.66%
	34100	95	\$42.92	1	\$40.95	1	\$44.34	\$3.40	7.66%
Dept Totals	150			93		57			
% of Total				62.00%		38.00%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
NMPS Ins Authority	34200	40	\$12.37	1	\$12.91	0	\$0.00	(\$12.91)	
	34200	55	\$16.89	1	\$17.31	1	\$19.02	\$1.71	8.98%
	34200	65	\$20.40	0	\$0.00	1	\$20.99	\$20.99	
	34200	75	\$25.50	1	\$28.18	2	\$29.47	\$1.29	4.38%
Dept Totals	7			3		4			
% of Total				42.86%		57.14%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
RHCA	34300	45	\$13.61	3	\$15.67	1	\$17.79	\$2.13	11.95%
	34300	55	\$16.89	8	\$16.41	1	\$18.34	\$1.93	10.54%
	34300	65	\$20.40	0	\$0.00	1	\$20.40	\$20.40	
	34300	75	\$25.50	2	\$27.25	0	\$0.00	(\$27.25)	
	34300	85	\$32.70	1	\$35.14	1	\$36.98	\$1.84	4.99%
	34300	95	\$42.92	0	\$0.00	1	\$43.60	\$43.60	
Dept Totals	19			14		5			
% of Total				73.68%		26.32%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
GSD	35000	25	\$9.71	20	\$9.97	40	\$9.97	(\$0.00)	-0.03%
	35000	30	\$10.44	1	\$12.00	0	\$0.00	(\$12.00)	
	35000	35	\$11.33	2	\$12.58	13	\$11.81	(\$0.78)	-6.58%
	35000	40	\$12.37	2	\$13.19	22	\$13.34	\$0.15	1.14%
	35000	45	\$13.61	10	\$14.41	18	\$14.25	(\$0.16)	-1.15%
	35000	50	\$15.11	8	\$16.16	13	\$16.33	\$0.16	1.00%
	35000	55	\$16.89	12	\$18.10	7	\$19.31	\$1.21	6.27%
	35000	60	\$18.47	15	\$19.70	4	\$19.13	(\$0.57)	-2.97%
	35000	65	\$20.40	33	\$22.76	14	\$22.42	(\$0.34)	-1.51%
	35000	70	\$22.74	3	\$23.21	7	\$25.30	\$2.09	8.26%
	35000	75	\$25.50	8	\$28.33	11	\$25.86	(\$2.47)	-9.53%
	35000	80	\$28.76	1	\$29.61	3	\$32.27	\$2.66	8.23%
	35000	85	\$32.70	7	\$34.74	9	\$32.87	(\$1.88)	-5.71%
	35000	90	\$37.35	0	\$0.00	7	\$39.29	\$39.29	
	35000	96	\$35.68	2	\$47.43	1	\$41.18	(\$6.24)	-15.16%
Dept Totals	293			124		169			
% of Total				42.32%		57.68%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
ERB	35200	30	\$10.44	1	\$11.80	0	\$0.00	(\$11.80)	
	35200	40	\$12.37	3	\$13.31	0	\$0.00	(\$13.31)	
	35200	45	\$13.61	2	\$15.23	1	\$13.61	(\$1.62)	-11.92%
	35200	50	\$15.11	6	\$15.70	0	\$0.00	(\$15.70)	
	35200	55	\$16.89	3	\$19.89	0	\$0.00	(\$19.89)	
	35200	60	\$18.47	7	\$21.38	3	\$21.57	\$0.19	0.88%
	35200	65	\$20.40	3	\$24.86	2	\$22.04	(\$2.83)	-12.83%
	35200	70	\$22.74	1	\$23.17	2	\$24.22	\$1.05	4.33%
	35200	75	\$25.50	1	\$31.83	1	\$27.78	(\$4.04)	-14.55%
	35200	80	\$28.76	0	\$0.00	1	\$34.98	\$34.98	
	35200	85	\$32.70	1	\$35.55	2	\$29.96	(\$5.60)	-18.68%
	35200	90	\$37.35	1	\$32.25	1	\$42.90	\$10.65	24.83%
	35200	95	\$42.92	0	\$0.00	3	\$41.22	\$41.22	
Dept Totals	45			29		16			
% of Total				64.44%		35.56%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Public Defender	35500	35	\$11.33	3	\$10.53	0	\$0.00	(\$10.53)	
	35500	40	\$12.37	3	\$11.80	1	\$11.50	(\$0.30)	-2.59%
	35500	45	\$13.61	20	\$12.89	3	\$12.94	\$0.05	0.35%
	35500	50	\$15.11	31	\$14.10	1	\$14.57	\$0.46	3.16%
	35500	55	\$16.89	29	\$15.08	8	\$16.06	\$0.98	6.09%
	35500	60	\$18.47	30	\$18.04	12	\$17.55	(\$0.49)	-2.78%
	35500	65	\$20.40	15	\$21.48	5	\$19.43	(\$2.05)	-10.55%
	35500	70	\$22.74	6	\$20.93	6	\$20.23	(\$0.70)	-3.48%
	35500	75	\$25.50	51	\$26.36	54	\$26.26	(\$0.10)	-0.39%
	35500	80	\$28.76	16	\$32.63	27	\$32.70	\$0.07	0.22%
	35500	85	\$32.70	2	\$32.42	2	\$35.70	\$3.28	9.20%
	35500	90	\$37.35	14	\$42.56	10	\$41.95	(\$0.61)	-1.46%
	35500	95	\$42.92	0	\$0.00	1	\$36.82	\$36.82	
Dept Totals	350			220		130			
% of Total				62.86%		37.14%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
DOIT	36100	35	\$11.33	0	\$0.00	1	\$12.33	\$12.33	
	36100	45	\$13.61	2	\$16.61	9	\$15.37	(\$1.23)	-8.00%
	36100	50	\$15.11	5	\$15.89	5	\$16.43	\$0.54	3.26%
	36100	55	\$16.89	3	\$18.37	1	\$15.49	(\$2.88)	-18.60%
	36100	60	\$18.47	2	\$21.02	0	\$0.00	(\$21.02)	
	36100	65	\$20.40	6	\$23.81	4	\$23.28	(\$0.53)	-2.26%
	36100	70	\$22.74	10	\$26.10	2	\$18.24	(\$7.86)	-43.08%
	36100	75	\$25.50	6	\$28.05	19	\$24.55	(\$3.50)	-14.25%
	36100	80	\$28.76	4	\$31.46	27	\$31.51	\$0.05	0.16%
	36100	85	\$32.70	17	\$34.56	34	\$36.12	\$1.57	4.34%
	36100	90	\$37.35	1	\$42.25	0	\$0.00	(\$42.25)	
	36100	95	\$42.92	2	\$38.04	6	\$43.36	\$5.32	12.27%
	Dept Totals	166			58		108		
% of Total				34.94%		65.06%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
PERA	36600	30	\$10.44	1	\$11.52	0	\$0.00	(\$11.52)	
	36600	40	\$12.37	0	\$0.00	1	\$12.37	\$12.37	
	36600	45	\$13.61	1	\$17.50	0	\$0.00	(\$17.50)	
	36600	50	\$15.11	16	\$17.70	4	\$17.33	(\$0.37)	-2.11%
	36600	55	\$16.89	11	\$20.06	2	\$20.36	\$0.30	1.48%
	36600	60	\$18.47	9	\$20.03	2	\$18.47	(\$1.55)	-8.40%
	36600	65	\$20.40	2	\$25.51	1	\$26.70	\$1.19	4.44%
	36600	70	\$22.74	5	\$25.42	0	\$0.00	(\$25.42)	
	36600	75	\$25.50	1	\$32.68	6	\$28.84	(\$3.83)	-13.29%
	36600	80	\$28.76	0	\$0.00	2	\$31.16	\$31.16	
	36600	85	\$32.70	0	\$0.00	1	\$39.90	\$39.90	
	36600	90	\$37.35	0	\$0.00	2	\$37.84	\$37.84	
	36600	95	\$42.92	1	\$44.51	1	\$44.71	\$0.20	0.44%
Dept Totals	69			47		22			
% of Total				68.12%		31.88%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Records Comm.	36900	40	\$12.37	1	\$11.00	1	\$11.36	\$0.36	3.16%
	36900	45	\$13.61	2	\$13.67	1	\$14.54	\$0.87	5.97%
	36900	50	\$15.11	2	\$15.39	0	\$0.00	(\$15.39)	
	36900	55	\$16.89	0	\$0.00	1	\$21.61	\$21.61	
	36900	60	\$18.47	2	\$19.61	3	\$18.82	(\$0.79)	-4.21%
	36900	65	\$20.40	4	\$20.90	4	\$22.19	\$1.29	5.79%
	36900	70	\$22.74	0	\$0.00	3	\$21.18	\$21.18	
	36900	75	\$25.50	0	\$0.00	5	\$24.80	\$24.80	
	36900	85	\$32.70	3	\$32.53	1	\$31.48	(\$1.05)	-3.34%
	36900	90	\$37.35	1	\$39.93	0	\$0.00	(\$39.93)	
Dept Totals	34			15		19			
% of Total				44.12%		55.88%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Secretary of State	37000	35	\$11.33	0	\$0.00	1	\$14.15	\$14.15	
	37000	40	\$12.37	1	\$12.36	0	\$0.00	(\$12.36)	
	37000	50	\$15.11	6	\$15.02	2	\$15.41	\$0.39	2.51%
	37000	55	\$16.89	2	\$17.24	1	\$19.22	\$1.98	10.29%
	37000	60	\$18.47	4	\$19.17	0	\$0.00	(\$19.17)	
	37000	65	\$20.40	2	\$26.62	0	\$0.00	(\$26.62)	
	37000	75	\$25.50	1	\$29.34	2	\$28.39	(\$0.95)	-3.36%
	37000	85	\$32.70	4	\$31.19	3	\$31.80	\$0.60	1.90%
Dept Totals	29			20		9			
% of Total				68.97%		31.03%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
SPO	37800	30	\$10.44	1	\$10.00	0	\$0.00	(\$10.00)	
	37800	35	\$11.33	2	\$13.20	1	\$14.53	\$1.33	9.15%
	37800	45	\$13.61	0	\$0.00	1	\$15.94	\$15.94	
	37800	50	\$15.11	2	\$15.81	1	\$19.52	\$3.72	19.04%
	37800	55	\$16.89	1	\$17.92	0	\$0.00	(\$17.92)	
	37800	60	\$18.47	10	\$18.49	0	\$0.00	(\$18.49)	
	37800	65	\$20.40	5	\$22.45	0	\$0.00	(\$22.45)	
	37800	70	\$22.74	5	\$26.08	3	\$23.85	(\$2.23)	-9.35%
	37800	75	\$25.50	0	\$0.00	4	\$27.57	\$27.57	
	37800	80	\$28.76	3	\$29.54	5	\$32.87	\$3.33	10.14%
	37800	85	\$32.70	3	\$33.32	2	\$37.45	\$4.12	11.01%
	37800	90	\$37.35	0	\$0.00	3	\$40.69	\$40.69	

Dept Totals	52			32		20			
% of Total				61.54%		38.46%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
State Treasurer	39400	50	\$15.11	0	\$0.00	1	\$18.31	\$18.31	
	39400	60	\$18.47	8	\$19.63	1	\$19.66	\$0.04	0.19%
	39400	65	\$20.40	3	\$24.76	1	\$28.72	\$3.97	13.81%
	39400	70	\$22.74	4	\$24.21	1	\$21.54	(\$2.67)	-12.38%
	39400	75	\$25.50	2	\$28.56	2	\$30.37	\$1.81	5.96%
	39400	85	\$32.70	2	\$30.88	1	\$39.12	\$8.24	21.06%
	39400	90	\$37.35	1	\$34.41	2	\$35.64	\$1.23	3.45%
	39400	95	\$42.92	1	\$32.14	1	\$42.12	\$9.97	23.68%

Dept Totals	31			21		10			
% of Total				67.74%		32.26%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Archit Ex Board	40400	50	\$15.11	1	\$18.88	0	\$0.00	(\$18.88)	
	40400	55	\$16.89	1	\$21.10	0	\$0.00	(\$21.10)	

Dept Totals	2			2		0			
% of Total				100.00%		0.00%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Boarder Develop	41700	55	\$16.89	1	\$13.85	0	\$0.00	(\$13.85)	
	41700	65	\$20.40	0	\$0.00	1	\$19.08	\$19.08	
	41700	75	\$25.50	0	\$0.00	1	\$29.04	\$29.04	

Dept Totals	3			1		2			
% of Total				33.33%		66.67%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Tourism	41800	30	\$10.44	1	\$10.97	0	\$0.00	(\$10.97)	
	41800	40	\$12.37	16	\$11.32	6	\$11.85	\$0.53	4.46%
	41800	45	\$13.61	5	\$12.79	2	\$15.00	\$2.21	14.74%
	41800	50	\$15.11	5	\$18.38	0	\$0.00	(\$18.38)	
	41800	55	\$16.89	8	\$19.09	0	\$0.00	(\$19.09)	
	41800	65	\$20.40	5	\$22.09	3	\$21.42	(\$0.67)	-3.12%
	41800	70	\$22.74	3	\$22.65	2	\$22.20	(\$0.44)	-2.00%
	41800	75	\$25.50	5	\$28.02	8	\$28.01	(\$0.01)	-0.03%
	41800	85	\$32.70	1	\$36.52	1	\$35.98	(\$0.54)	-1.50%
Dept Totals	71			49		22			
% of Total				69.01%		30.99%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Economic Develop	41900	30	\$10.44	0	\$0.00	1	\$13.83	\$13.83	
	41900	45	\$13.61	3	\$14.61	2	\$15.00	\$0.39	2.60%
	41900	50	\$15.11	2	\$18.16	1	\$14.60	(\$3.57)	-24.43%
	41900	55	\$16.89	1	\$16.60	2	\$17.93	\$1.33	7.44%
	41900	60	\$18.47	2	\$21.94	1	\$21.06	(\$0.89)	-4.21%
	41900	65	\$20.40	3	\$26.24	0	\$0.00	(\$26.24)	
	41900	70	\$22.74	11	\$22.18	6	\$23.96	\$1.77	7.40%
	41900	75	\$25.50	2	\$33.84	3	\$27.14	(\$6.71)	-24.71%
	41900	80	\$28.76	1	\$30.49	0	\$0.00	(\$30.49)	
	41900	85	\$32.70	8	\$32.70	7	\$29.99	(\$2.71)	-9.03%
Dept Totals	56			33		23			
% of Total				58.93%		41.07%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
RLD	42000	30	\$10.44	1	\$11.28	1	\$11.66	\$0.38	3.23%
	42000	35	\$11.33	1	\$12.33	0	\$0.00	(\$12.33)	
	42000	40	\$12.37	18	\$12.52	3	\$12.06	(\$0.46)	-3.79%
	42000	45	\$13.61	24	\$14.15	2	\$14.28	\$0.14	0.95%
	42000	50	\$15.11	5	\$15.57	0	\$0.00	(\$15.57)	
	42000	55	\$16.89	20	\$18.32	6	\$18.67	\$0.35	1.88%
	42000	60	\$18.47	25	\$21.09	71	\$20.17	(\$0.92)	-4.59%
	42000	65	\$20.40	9	\$22.53	22	\$22.81	\$0.28	1.23%
	42000	70	\$22.74	8	\$22.19	8	\$24.71	\$2.52	10.19%
	42000	75	\$25.50	9	\$25.33	4	\$26.12	\$0.79	3.01%
	42000	80	\$28.76	2	\$34.48	0	\$0.00	(\$34.48)	
	42000	85	\$32.70	3	\$33.69	11	\$32.60	(\$1.08)	-3.31%
	42000	90	\$37.35	4	\$37.91	7	\$40.76	\$2.86	7.00%
	42000	95	\$42.92	1	\$41.78	0	\$0.00	(\$41.78)	
42000	97	\$57.47	0	\$0.00	1	\$50.39	\$50.39		

Dept Totals		266			130		136		
% of Total					48.87%		51.13%		
Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
PRC	43000	30	\$10.44	3	\$10.98	1	\$10.44	(\$0.54)	-5.20%
	43000	35	\$11.33	1	\$11.66	0	\$0.00	(\$11.66)	
	43000	40	\$12.37	13	\$13.55	11	\$13.03	(\$0.52)	-3.99%
	43000	45	\$13.61	18	\$15.28	2	\$15.60	\$0.31	2.01%
	43000	50	\$15.11	15	\$16.83	2	\$15.10	(\$1.73)	-11.46%
	43000	55	\$16.89	13	\$18.25	5	\$18.06	(\$0.20)	-1.10%
	43000	60	\$18.47	6	\$20.12	17	\$19.25	(\$0.86)	-4.47%
	43000	65	\$20.40	16	\$22.13	21	\$21.47	(\$0.65)	-3.04%
	43000	70	\$22.74	9	\$23.96	8	\$23.85	(\$0.11)	-0.44%
	43000	75	\$25.50	7	\$27.93	13	\$27.39	(\$0.55)	-1.99%
	43000	80	\$28.76	9	\$32.60	18	\$31.04	(\$1.56)	-5.03%
	43000	85	\$32.70	2	\$27.41	7	\$32.81	\$5.40	16.45%
	43000	90	\$37.35	3	\$39.02	10	\$40.81	\$1.79	4.38%
43000	95	\$42.92	0	\$0.00	2	\$40.15	\$40.15		
Dept Totals		232			115		117		
% of Total					49.57%		50.43%		

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
NM Medical Board	44600	35	\$11.33	1	\$14.06	0	\$0.00	(\$14.06)	
	44600	45	\$13.61	2	\$14.04	0	\$0.00	(\$14.04)	
	44600	60	\$18.47	3	\$20.07	0	\$0.00	(\$20.07)	
	44600	65	\$20.40	1	\$25.08	0	\$0.00	(\$25.08)	
	44600	75	\$25.50	3	\$29.57	0	\$0.00	(\$29.57)	
Dept Totals		10			10		0		
% of Total					100.00%		0.00%		

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Nursing BD	44900	30	\$10.44	1	\$11.50	0	\$0.00	(\$11.50)	
	44900	40	\$12.37	5	\$13.17	1	\$11.50	(\$1.67)	-14.48%
	44900	50	\$15.11	1	\$15.79	0	\$0.00	(\$15.79)	
	44900	55	\$16.89	1	\$19.58	0	\$0.00	(\$19.58)	
	44900	65	\$20.40	1	\$24.25	0	\$0.00	(\$24.25)	
	44900	75	\$25.50	2	\$28.95	1	\$30.76	\$1.81	5.87%
	44900	85	\$32.70	1	\$32.21	0	\$0.00	(\$32.21)	
	44900	90	\$37.35	3	\$35.33	0	\$0.00	(\$35.33)	
Dept Totals		17			15		2		
% of Total					88.24%		11.76%		

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Expo NM	46000	30	\$10.44	0	\$0.00	2	\$11.48	\$11.48	
	46000	35	\$11.33	0	\$0.00	2	\$11.11	\$11.11	
	46000	40	\$12.37	1	\$12.61	1	\$15.37	\$2.77	18.00%
	46000	45	\$13.61	2	\$15.31	7	\$13.79	(\$1.52)	-11.04%
	46000	50	\$15.11	3	\$15.33	4	\$15.46	\$0.13	0.83%
	46000	55	\$16.89	5	\$17.32	1	\$18.75	\$1.43	7.63%
	46000	60	\$18.47	9	\$20.04	0	\$0.00	(\$20.04)	
	46000	65	\$20.40	2	\$23.75	5	\$20.76	(\$3.00)	-14.43%
	46000	70	\$22.74	1	\$28.17	0	\$0.00	(\$28.17)	
	46000	75	\$25.50	3	\$27.64	0	\$0.00	(\$27.64)	
	46000	85	\$32.70	0	\$0.00	4	\$30.13	\$30.13	
46000	90	\$37.35	1	\$34.12	2	\$35.24	\$1.12	3.17%	
Dept Totals	55			27		28			
% of Total				49.09%		50.91%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Pro Engineers	46400	40	\$12.37	2	\$14.29	1	\$14.54	\$0.25	1.74%
	46400	45	\$13.61	1	\$15.59	0	\$0.00	(\$15.59)	
	46400	60	\$18.47	0	\$0.00	1	\$18.54	\$18.54	
	46400	70	\$22.74	1	\$24.63	0	\$0.00	(\$24.63)	
Dept Totals	6			4		2			
% of Total				66.67%		33.33%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Gaming Control	46500	40	\$12.37	3	\$13.54	0	\$0.00	(\$13.54)	
	46500	45	\$13.61	4	\$15.61	0	\$0.00	(\$15.61)	
	46500	50	\$15.11	2	\$18.42	2	\$17.33	(\$1.09)	-6.30%
	46500	55	\$16.89	2	\$18.99	1	\$19.01	\$0.02	0.09%
	46500	60	\$18.47	5	\$19.63	8	\$19.03	(\$0.61)	-3.19%
	46500	65	\$20.40	7	\$24.95	4	\$22.02	(\$2.93)	-13.29%
	46500	70	\$22.74	1	\$24.10	3	\$28.70	\$4.60	16.04%
	46500	75	\$25.50	1	\$31.27	1	\$28.81	(\$2.46)	-8.55%
	46500	80	\$28.76	1	\$37.26	1	\$37.53	\$0.27	0.73%
	46500	85	\$32.70	2	\$31.62	3	\$37.35	\$5.73	15.33%
Dept Totals	51			28		23			
% of Total				54.90%		45.10%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Racing Comm.	46900	40	\$12.37	1	\$12.57	0	\$0.00	(\$12.57)	
	46900	45	\$13.61	1	\$16.07	0	\$0.00	(\$16.07)	
	46900	55	\$16.89	1	\$22.04	0	\$0.00	(\$22.04)	
	46900	65	\$20.40	1	\$19.63	2	\$18.84	(\$0.79)	-4.20%
	46900	75	\$25.50	1	\$26.97	1	\$19.64	(\$7.33)	-37.31%
	46900	85	\$32.70	1	\$30.76	0	\$0.00	(\$30.76)	
Dept Totals	9			6		3			
% of Total				66.67%		33.33%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Veterinary Board	47900	30	\$10.44	1	\$11.08	0	\$0.00	(\$11.08)	
	47900	45	\$13.61	1	\$14.20	0	\$0.00	(\$14.20)	
Dept Totals	2			2		0			
% of Total				100.00%		0.00%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Space Port Authority	49500	55	\$16.89	1	\$16.84	0	\$0.00	(\$16.84)	
	49500	70	\$22.74	1	\$25.11	0	\$0.00	(\$25.11)	
	49500	85	\$32.70	0	\$0.00	2	\$28.86	\$28.86	
	49500	95	\$42.92	0	\$0.00	1	\$32.45	\$32.45	
Dept Totals	5			2		3			
% of Total				40.00%		60.00%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Cultural Affairs	50500	25	\$9.71	8	\$8.67	8	\$9.02	\$0.34	3.81%
	50500	30	\$10.44	9	\$11.24	7	\$10.59	(\$0.65)	-6.12%
	50500	35	\$11.33	2	\$12.39	5	\$10.74	(\$1.66)	-15.42%
	50500	40	\$12.37	12	\$12.04	43	\$10.98	(\$1.06)	-9.62%
	50500	45	\$13.61	18	\$13.63	30	\$13.32	(\$0.31)	-2.32%
	50500	50	\$15.11	19	\$16.69	18	\$16.62	(\$0.07)	-0.42%
	50500	55	\$16.89	31	\$17.80	34	\$17.89	\$0.09	0.52%
	50500	60	\$18.47	40	\$19.28	31	\$19.93	\$0.65	3.25%
	50500	65	\$20.40	28	\$21.47	21	\$21.35	(\$0.12)	-0.58%
	50500	70	\$22.74	39	\$22.96	17	\$23.06	\$0.11	0.47%
	50500	75	\$25.50	16	\$26.53	17	\$26.80	\$0.27	0.99%
	50500	80	\$28.76	4	\$25.10	4	\$30.90	\$5.80	18.76%
	50500	85	\$32.70	4	\$26.75	7	\$33.90	\$7.15	21.10%
	50500	90	\$37.35	3	\$36.92	0	\$0.00	(\$36.92)	
	50500	95	\$42.92	0	\$0.00	1	\$40.20	\$40.20	
Dept Totals	476			233		243			
% of Total				48.95%		51.05%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Livestock Board	50800	35	\$11.33	1	\$10.54	0	\$0.00	(\$10.54)	
	50800	40	\$12.37	0	\$0.00	3	\$17.47	\$17.47	
	50800	45	\$13.61	1	\$11.86	0	\$0.00	(\$11.86)	
	50800	50	\$15.11	1	\$18.44	0	\$0.00	(\$18.44)	
	50800	55	\$16.89	2	\$17.47	1	\$13.30	(\$4.16)	-31.31%
	50800	60	\$18.47	2	\$13.84	18	\$14.78	\$0.94	6.37%
	50800	65	\$20.40	2	\$16.76	31	\$17.70	\$0.94	5.31%
	50800	70	\$22.74	1	\$24.81	0	\$0.00	(\$24.81)	
	50800	75	\$25.50	0	\$0.00	4	\$27.30	\$27.30	
	50800	85	\$32.70	2	\$34.09	3	\$42.43	\$8.34	19.66%
	50800	90	\$37.35	0	\$0.00	1	\$50.36	\$50.36	
	50800	96	\$35.68	0	\$0.00	1	\$42.52	\$42.52	
Dept Totals	74			12		62			
% of Total				16.22%		83.78%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Game & Fish	51600	25	\$9.71	0	\$0.00	1	\$10.88	\$10.88	
	51600	40	\$12.37	0	\$0.00	1	\$13.74	\$13.74	
	51600	45	\$13.61	6	\$13.79	2	\$15.32	\$1.54	10.02%
	51600	50	\$15.11	11	\$14.55	21	\$15.68	\$1.13	7.19%
	51600	55	\$16.89	15	\$18.76	22	\$17.40	(\$1.37)	-7.85%
	51600	60	\$18.47	10	\$18.82	48	\$19.16	\$0.35	1.82%
	51600	65	\$20.40	15	\$22.14	59	\$23.52	\$1.38	5.85%
	51600	70	\$22.74	1	\$19.76	11	\$23.45	\$3.69	15.74%
	51600	75	\$25.50	4	\$24.90	9	\$28.21	\$3.31	11.74%
	51600	80	\$28.76	0	\$0.00	1	\$26.42	\$26.42	
	51600	85	\$32.70	3	\$31.55	20	\$32.99	\$1.44	4.36%
	51600	90	\$37.35	1	\$35.11	8	\$36.28	\$1.17	3.24%
	51600	95	\$42.92	0	\$0.00	1	\$42.42	\$42.42	
	51600	96	\$35.68	0	\$0.00	2	\$43.15	\$43.15	
	Dept Totals	272			66		206		
% of Total				24.26%		75.74%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Energy Minerals & Natural Resources	52100	30	\$10.44	1	\$12.30	0	\$0.00	(\$12.30)	
	52100	40	\$12.37	1	\$12.61	0	\$0.00	(\$12.61)	
	52100	45	\$13.61	14	\$13.58	31	\$12.99	(\$0.60)	-4.59%
	52100	50	\$15.11	14	\$15.74	21	\$15.34	(\$0.41)	-2.65%
	52100	55	\$16.89	24	\$17.82	27	\$16.47	(\$1.34)	-8.15%
	52100	60	\$18.47	19	\$19.75	47	\$18.17	(\$1.58)	-8.70%
	52100	65	\$20.40	20	\$22.68	29	\$21.73	(\$0.95)	-4.38%
	52100	70	\$22.74	17	\$23.59	33	\$22.06	(\$1.53)	-6.92%
	52100	75	\$25.50	11	\$28.04	39	\$27.95	(\$0.09)	-0.32%
	52100	80	\$28.76	4	\$34.00	14	\$34.20	\$0.20	0.58%
	52100	85	\$32.70	13	\$33.21	22	\$32.02	(\$1.18)	-3.70%
	52100	90	\$37.35	4	\$35.98	11	\$36.27	\$0.29	0.80%
	52100	95	\$42.92	0	\$0.00	5	\$42.13	\$42.13	
	52100	96	\$35.68	1	\$47.65	3	\$43.16	(\$4.48)	-10.39%
Dept Totals	425			143		282			
% of Total				33.65%		66.35%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Youth Conserve	52200	55	\$16.89	1	\$19.42	0	\$0.00	(\$19.42)	
	52200	90	\$37.35	1	\$32.05	0	\$0.00	(\$32.05)	
Dept Totals	2			2		0			
% of Total				100.00%		0.00%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
State Land	53900	25	\$9.71	3	\$9.69	2	\$10.05	\$0.36	3.60%
	53900	35	\$11.33	0	\$0.00	2	\$11.80	\$11.80	
	53900	40	\$12.37	2	\$12.83	2	\$14.07	\$1.24	8.81%
	53900	45	\$13.61	2	\$14.93	3	\$13.76	(\$1.17)	-8.48%
	53900	50	\$15.11	5	\$16.02	3	\$15.55	(\$0.46)	-2.97%
	53900	55	\$16.89	4	\$18.89	8	\$16.87	(\$2.03)	-12.01%
	53900	60	\$18.47	11	\$20.51	9	\$19.26	(\$1.25)	-6.48%
	53900	65	\$20.40	13	\$23.59	22	\$22.05	(\$1.54)	-6.99%
	53900	70	\$22.74	2	\$25.16	5	\$23.07	(\$2.09)	-9.05%
	53900	75	\$25.50	4	\$29.75	9	\$29.14	(\$0.61)	-2.09%
	53900	80	\$28.76	3	\$32.92	8	\$34.44	\$1.52	4.41%
	53900	85	\$32.70	4	\$34.15	5	\$34.00	(\$0.15)	-0.44%
	53900	90	\$37.35	2	\$32.76	4	\$36.18	\$3.41	9.44%
	53900	95	\$42.92	0	\$0.00	1	\$45.39	\$45.39	
Dept Totals	138			55		83			
% of Total				39.86%		60.14%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
State Engineer	55000	25	\$9.71	2	\$10.22	0	\$0.00	(\$10.22)	
	55000	45	\$13.61	17	\$14.02	2	\$12.92	(\$1.09)	-8.47%
	55000	50	\$15.11	15	\$16.91	4	\$17.30	\$0.39	2.24%
	55000	55	\$16.89	13	\$17.75	1	\$17.49	(\$0.26)	-1.46%
	55000	60	\$18.47	10	\$21.19	0	\$0.00	(\$21.19)	
	55000	65	\$20.40	14	\$24.02	2	\$24.17	\$0.15	0.62%
	55000	70	\$22.74	19	\$21.40	37	\$21.36	(\$0.04)	-0.17%
	55000	75	\$25.50	24	\$25.75	56	\$25.68	(\$0.07)	-0.26%
	55000	80	\$28.76	24	\$31.71	44	\$32.90	\$1.19	3.61%
	55000	85	\$32.70	7	\$37.22	6	\$36.40	(\$0.82)	-2.25%
	55000	90	\$37.35	0	\$0.00	5	\$36.22	\$36.22	
	55000	95	\$42.92	3	\$42.62	13	\$41.00	(\$1.62)	-3.94%
	55000	96	\$35.68	0	\$0.00	2	\$51.00	\$51.00	
Dept Totals	320			148		172			
% of Total				46.25%		53.75%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Organic Commodity	56900	55	\$16.89	1	\$18.61	1	\$19.05	\$0.44	2.31%
	56900	65	\$20.40	1	\$20.94	0	\$0.00	(\$20.94)	
Dept Totals	3			2		1			
% of Total				66.67%		33.33%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Comm. on the Status Of Women	60100	30	\$10.44	3	\$9.53	0	\$0.00	(\$9.53)	
	60100	50	\$15.11	1	\$20.71	0	\$0.00	(\$20.71)	
	60100	55	\$16.89	0	\$0.00	1	\$12.64	\$12.64	
	60100	60	\$18.47	2	\$19.80	0	\$0.00	(\$19.80)	
	60100	65	\$20.40	2	\$22.07	0	\$0.00	(\$22.07)	
	60100	70	\$22.74	1	\$21.93	0	\$0.00	(\$21.93)	
	60100	75	\$25.50	1	\$22.70	0	\$0.00	(\$22.70)	
	60100	85	\$32.70	1	\$25.96	0	\$0.00	(\$25.96)	
Dept Totals	12			11		1			
% of Total				91.67%		8.33%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
African American Affairs	60300	60	\$18.47	1	\$15.23	0	\$0.00	(\$15.23)	
	60300	65	\$20.40	1	\$14.68	1	\$16.74	\$2.06	12.30%
	60300	80	\$28.76	0	\$0.00	1	\$33.96	\$33.96	
Dept Totals	4			2		2			
% of Total				50.00%		50.00%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Deaf/HH	60400	45	\$13.61	1	\$15.90	0	\$0.00	(\$15.90)	
	60400	55	\$16.89	4	\$17.26	1	\$17.66	\$0.40	2.27%
	60400	60	\$18.47	2	\$20.63	1	\$18.00	(\$2.63)	-14.59%
	60400	65	\$20.40	1	\$22.45	0	\$0.00	(\$22.45)	
	60400	70	\$22.74	2	\$23.60	0	\$0.00	(\$23.60)	
	60400	85	\$32.70	1	\$31.86	0	\$0.00	(\$31.86)	
Dept Totals	13			11		2			
% of Total				84.62%		15.38%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Comm. for the Blind	60600	35	\$11.33	8	\$11.30	4	\$11.71	\$0.41	3.48%
	60600	45	\$13.61	11	\$14.43	2	\$15.05	\$0.62	4.11%
	60600	55	\$16.89	0	\$0.00	1	\$16.70	\$16.70	
	60600	60	\$18.47	3	\$19.35	3	\$19.43	\$0.08	0.41%
	60600	65	\$20.40	14	\$21.20	8	\$18.84	(\$2.36)	-12.54%
	60600	70	\$22.74	1	\$18.31	1	\$19.16	\$0.85	4.44%
	60600	75	\$25.50	1	\$27.14	2	\$27.54	\$0.41	1.47%
	60600	80	\$28.76	1	\$24.40	0	\$0.00	(\$24.40)	
	60600	85	\$32.70	1	\$31.35	1	\$37.22	\$5.86	15.76%
	60600	90	\$37.35	0	\$0.00	1	\$37.42	\$37.42	
Dept Totals	63			40		23			
% of Total				63.49%		36.51%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Indian Affairs	60900	45	\$13.61	1	\$14.00	0	\$0.00	(\$14.00)	
	60900	50	\$15.11	1	\$18.05	0	\$0.00	(\$18.05)	
	60900	65	\$20.40	3	\$23.68	1	\$24.19	\$0.51	2.09%
	60900	75	\$25.50	1	\$32.02	0	\$0.00	(\$32.02)	
	60900	80	\$28.76	1	\$30.12	0	\$0.00	(\$30.12)	
Dept Totals	8			7		1			
% of Total				87.50%		12.50%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Aging & Long Term Services	62400	35	\$11.33	19	\$11.28	0	\$0.00	(\$11.28)	
	62400	40	\$12.37	6	\$12.72	1	\$13.79	\$1.07	7.75%
	62400	45	\$13.61	7	\$14.18	1	\$14.00	(\$0.18)	-1.31%
	62400	50	\$15.11	2	\$18.32	0	\$0.00	(\$18.32)	
	62400	55	\$16.89	13	\$17.78	5	\$18.52	\$0.74	4.00%
	62400	60	\$18.47	26	\$18.92	9	\$20.02	\$1.10	5.49%
	62400	65	\$20.40	56	\$22.25	25	\$22.26	\$0.01	0.05%
	62400	70	\$22.74	31	\$25.34	7	\$28.17	\$2.83	10.05%
	62400	75	\$25.50	11	\$28.50	10	\$28.53	\$0.03	0.10%
	62400	80	\$28.76	7	\$34.36	5	\$33.38	(\$0.98)	-2.93%
	62400	85	\$32.70	3	\$37.79	10	\$35.34	(\$2.45)	-6.93%
	62400	90	\$37.35	2	\$41.35	1	\$44.96	\$3.61	8.02%
	62400	95	\$42.92	1	\$44.82	0	\$0.00	(\$44.82)	
	62400	96	\$35.68	0	\$0.00	1	\$45.72	\$45.72	
Dept Totals	259			184		75			
% of Total				71.04%		28.96%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Human Services	63000	25	\$9.71	1	\$9.53	0	\$0.00	(\$9.53)	
	63000	30	\$10.44	202	\$10.64	11	\$10.84	\$0.20	1.83%
	63000	35	\$11.33	1	\$13.85	0	\$0.00	(\$13.85)	
	63000	40	\$12.37	25	\$13.04	1	\$16.19	\$3.15	19.46%
	63000	45	\$13.61	72	\$14.28	9	\$12.70	(\$1.58)	-12.42%
	63000	50	\$15.11	47	\$15.49	18	\$15.91	\$0.43	2.68%
	63000	55	\$16.89	27	\$18.82	4	\$17.54	(\$1.28)	-7.29%
	63000	60	\$18.47	523	\$15.39	86	\$15.67	\$0.28	1.76%
	63000	65	\$20.40	218	\$20.38	55	\$20.68	\$0.30	1.43%
	63000	70	\$22.74	186	\$22.94	40	\$23.72	\$0.79	3.32%
	63000	75	\$25.50	87	\$28.09	33	\$27.83	(\$0.27)	-0.96%
	63000	80	\$28.76	24	\$32.41	19	\$33.44	\$1.03	3.09%
	63000	85	\$32.70	41	\$34.81	31	\$36.42	\$1.61	4.43%
	63000	90	\$37.35	16	\$40.03	15	\$39.30	(\$0.74)	-1.87%
	63000	95	\$42.92	3	\$43.29	5	\$43.12	(\$0.17)	-0.38%
	63000	98	\$66.89	0	\$0.00	1	\$77.15	\$77.15	
	Dept Totals	1801			1473		328		
% of Total				81.79%		18.21%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Workforce Solutions	63100	25	\$9.71	1	\$8.78	1	\$14.41	\$5.62	39.04%
	63100	30	\$10.44	4	\$11.09	1	\$8.80	(\$2.29)	-25.97%
	63100	35	\$11.33	1	\$9.81	0	\$0.00	(\$9.81)	
	63100	40	\$12.37	6	\$12.14	1	\$11.12	(\$1.01)	-9.11%
	63100	45	\$13.61	18	\$14.79	2	\$12.39	(\$2.41)	-19.42%
	63100	50	\$15.11	42	\$13.41	10	\$13.96	\$0.55	3.93%
	63100	55	\$16.89	78	\$15.86	44	\$15.58	(\$0.28)	-1.82%
	63100	60	\$18.47	71	\$17.86	50	\$18.11	\$0.25	1.39%
	63100	65	\$20.40	23	\$23.69	6	\$22.33	(\$1.36)	-6.07%
	63100	70	\$22.74	12	\$21.48	10	\$21.62	\$0.14	0.65%
	63100	75	\$25.50	9	\$24.74	15	\$26.13	\$1.39	5.31%
	63100	80	\$28.76	4	\$30.32	6	\$27.83	(\$2.49)	-8.96%
	63100	85	\$32.70	8	\$32.66	14	\$32.70	\$0.04	0.12%
	63100	90	\$37.35	2	\$36.20	2	\$41.94	\$5.74	13.68%
	63100	95	\$42.92	0	\$0.00	3	\$37.93	\$37.93	
63100	96	\$35.68	1	\$45.67	0	\$0.00	(\$45.67)		
Dept Totals	445			280		165			
% of Total				62.92%		37.08%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Workers Comp	63200	30	\$10.44	2	\$10.90	0	\$0.00	(\$10.90)	
	63200	35	\$11.33	2	\$12.00	0	\$0.00	(\$12.00)	
	63200	40	\$12.37	4	\$14.55	1	\$14.21	(\$0.35)	-2.44%
	63200	45	\$13.61	9	\$15.32	0	\$0.00	(\$15.32)	
	63200	50	\$15.11	13	\$15.50	0	\$0.00	(\$15.50)	
	63200	55	\$16.89	11	\$17.27	7	\$17.49	\$0.22	1.26%
	63200	60	\$18.47	6	\$18.81	0	\$0.00	(\$18.81)	
	63200	65	\$20.40	14	\$20.88	9	\$22.18	\$1.30	5.87%
	63200	70	\$22.74	4	\$25.48	2	\$25.71	\$0.23	0.89%
	63200	75	\$25.50	9	\$28.70	6	\$27.64	(\$1.06)	-3.84%
	63200	80	\$28.76	5	\$33.59	4	\$32.21	(\$1.37)	-4.26%
	63200	85	\$32.70	0	\$0.00	1	\$38.89	\$38.89	
63200	90	\$37.35	2	\$37.10	0	\$0.00	(\$37.10)		
Dept Totals	111			81		30			
% of Total				72.97%		27.03%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Dept of Vocational Rehab	64400	40	\$12.37	0	\$0.00	1	\$12.37	\$12.37	
	64400	45	\$13.61	19	\$13.66	2	\$12.64	(\$1.03)	-8.11%
	64400	50	\$15.11	25	\$16.33	1	\$17.69	\$1.36	7.68%
	64400	55	\$16.89	40	\$17.49	5	\$17.10	(\$0.39)	-2.28%
	64400	60	\$18.47	7	\$19.12	6	\$19.18	\$0.06	0.31%
	64400	65	\$20.40	47	\$22.78	25	\$23.61	\$0.83	3.50%
	64400	70	\$22.74	33	\$23.81	17	\$22.76	(\$1.05)	-4.63%
	64400	75	\$25.50	8	\$27.51	9	\$28.32	\$0.82	2.88%
	64400	80	\$28.76	11	\$28.13	9	\$27.50	(\$0.64)	-2.31%
	64400	85	\$32.70	7	\$35.88	5	\$36.72	\$0.84	2.29%
	64400	90	\$37.35	1	\$40.84	1	\$41.06	\$0.21	0.52%
64400	95	\$42.92	0	\$0.00	1	\$44.04	\$44.04		
Dept Totals	280			198		82			
% of Total				70.71%		29.29%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Gov Comm. on Disability	64500	50	\$15.11	1	\$16.66	0	\$0.00	(\$16.66)	
	64500	60	\$18.47	1	\$20.38	0	\$0.00	(\$20.38)	
	64500	75	\$25.50	2	\$25.16	1	\$23.36	(\$1.79)	-7.67%
	64500	85	\$32.70	0	\$0.00	2	\$29.73	\$29.73	
Dept Totals	7			4		3			
% of Total				57.14%		42.86%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Dev Disability Planning Council	64700	25	\$9.71	2	\$7.64	0	\$0.00	(\$7.64)	
	64700	50	\$15.11	1	\$13.39	0	\$0.00	(\$13.39)	
	64700	55	\$16.89	1	\$16.50	1	\$19.60	\$3.10	15.83%
	64700	60	\$18.47	1	\$19.14	0	\$0.00	(\$19.14)	
	64700	65	\$20.40	5	\$23.45	1	\$21.79	(\$1.66)	-7.63%
	64700	75	\$25.50	2	\$29.00	0	\$0.00	(\$29.00)	
	64700	80	\$28.76	1	\$35.07	1	\$35.20	\$0.12	0.35%
Dept Totals	16			13		3			
% of Total				81.25%		18.75%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Minors Colfax Medical Center	66200	25	\$9.71	20	\$8.96	7	\$8.77	(\$0.19)	-2.12%
	66200	30	\$10.44	12	\$9.52	3	\$10.89	\$1.37	12.56%
	66200	35	\$11.33	10	\$10.64	3	\$10.78	\$0.14	1.34%
	66200	40	\$12.37	33	\$11.43	5	\$11.76	\$0.33	2.82%
	66200	45	\$13.61	12	\$12.81	6	\$13.09	\$0.28	2.11%
	66200	50	\$15.11	11	\$15.65	5	\$14.90	(\$0.75)	-5.04%
	66200	55	\$16.89	6	\$17.82	6	\$19.67	\$1.85	9.40%
	66200	60	\$18.47	5	\$19.99	3	\$21.31	\$1.32	6.19%
	66200	65	\$20.40	5	\$21.30	1	\$30.30	\$9.00	29.71%
	66200	70	\$22.74	18	\$24.31	1	\$23.65	(\$0.66)	-2.80%
	66200	75	\$25.50	16	\$26.34	2	\$27.42	\$1.08	3.94%
	66200	85	\$32.70	1	\$37.73	3	\$35.70	(\$2.03)	-5.69%
	66200	90	\$37.35	1	\$35.19	2	\$40.21	\$5.01	12.47%
	66200	97	\$57.47	0	\$0.00	3	\$57.95	\$57.95	
	66200	98	\$66.89	1	\$90.00	0	\$0.00	(\$90.00)	
Dept Totals	201			151		50			
% of Total				75.12%		24.88%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Dept of Health	66500	25	\$9.71	99	\$9.41	91	\$8.68	(\$0.73)	-8.40%
	66500	30	\$10.44	262	\$10.52	62	\$10.25	(\$0.27)	-2.66%
	66500	35	\$11.33	216	\$10.86	137	\$10.36	(\$0.50)	-4.87%
	66500	40	\$12.37	402	\$12.69	238	\$12.07	(\$0.62)	-5.12%
	66500	45	\$13.61	175	\$14.90	90	\$14.16	(\$0.74)	-5.24%
	66500	50	\$15.11	82	\$15.17	42	\$15.71	\$0.55	3.50%
	66500	55	\$16.89	154	\$16.88	53	\$16.84	(\$0.05)	-0.29%
	66500	60	\$18.47	195	\$19.51	78	\$20.00	\$0.49	2.46%
	66500	65	\$20.40	286	\$22.37	104	\$22.38	\$0.01	0.04%
	66500	70	\$22.74	149	\$24.69	67	\$25.27	\$0.58	2.29%
	66500	75	\$25.50	352	\$27.53	95	\$27.69	\$0.16	0.57%
	66500	80	\$28.76	38	\$31.38	9	\$31.10	(\$0.28)	-0.90%
	66500	85	\$32.70	69	\$33.77	43	\$33.89	\$0.12	0.36%
	66500	90	\$37.35	27	\$38.29	17	\$40.66	\$2.37	5.82%
	66500	95	\$42.92	5	\$44.07	8	\$41.91	(\$2.17)	-5.17%
	66500	96	\$35.68	11	\$58.16	14	\$56.41	(\$1.75)	-3.09%
	66500	97	\$57.47	8	\$66.99	10	\$64.42	(\$2.56)	-3.97%
	66500	98	\$66.89	1	\$71.05	3	\$72.21	\$1.16	1.60%
Dept Totals	3692			2531		1161			
% of Total				68.55%		31.45%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Environ- ment	66700	35	\$11.33	1	\$11.66	0	\$0.00	(\$11.66)	
	66700	40	\$12.37	7	\$13.69	1	\$13.99	\$0.30	2.17%
	66700	45	\$13.61	42	\$14.67	4	\$14.39	(\$0.28)	-1.92%
	66700	50	\$15.11	13	\$18.14	6	\$16.54	(\$1.60)	-9.68%
	66700	55	\$16.89	31	\$19.39	2	\$20.53	\$1.14	5.55%
	66700	60	\$18.47	15	\$21.87	1	\$22.47	\$0.61	2.69%
	66700	65	\$20.40	19	\$24.11	11	\$21.89	(\$2.22)	-10.15%
	66700	70	\$22.74	75	\$23.91	128	\$23.62	(\$0.29)	-1.22%
	66700	75	\$25.50	51	\$28.16	94	\$27.50	(\$0.66)	-2.39%
	66700	80	\$28.76	14	\$33.08	54	\$32.02	(\$1.06)	-3.31%
	66700	85	\$32.70	11	\$34.98	14	\$32.90	(\$2.08)	-6.32%
	66700	90	\$37.35	6	\$36.06	7	\$37.67	\$1.61	4.26%
66700	95	\$42.92	6	\$37.99	12	\$37.51	(\$0.48)	-1.28%	
Dept Totals	625			291		334			
% of Total				46.56%		53.44%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Health Policy Comm.	66800	55	\$16.89	1	\$21.01	0	\$0.00	(\$21.01)	
	66900	60	\$18.47	1	\$17.54	0	\$0.00	(\$17.54)	
	66900	65	\$20.40	3	\$20.72	0	\$0.00	(\$20.72)	
	66900	70	\$22.74	0	\$0.00	1	\$21.00	\$21.00	
	66800	75	\$25.50	0	\$0.00	1	\$30.85	\$30.85	
	66900	80	\$28.76	1	\$30.74	1	\$30.00	(\$0.74)	-2.47%
	66900	85	\$32.70	0	\$0.00	1	\$36.80	\$36.80	
	66800	96	\$35.68	1	\$43.01	0	\$0.00	(\$43.01)	
Dept Totals	11			7		4			
% of Total				63.64%		36.36%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Veteran Affairs	67000	40	\$12.37	1	\$13.86	0	\$0.00	(\$13.86)	
	67000	50	\$15.11	7	\$15.81	14	\$14.17	(\$1.64)	-11.57%
	67000	55	\$16.89	0	\$0.00	1	\$19.72	\$19.72	
	67000	60	\$18.47	3	\$19.24	1	\$18.47	(\$0.77)	-4.19%
	67000	65	\$20.40	1	\$20.99	1	\$21.63	\$0.64	2.96%
	67000	75	\$25.50	0	\$0.00	1	\$24.00	\$24.00	
	67000	85	\$32.70	0	\$0.00	1	\$31.20	\$31.20	
Dept Totals	31			12		19			
% of Total				38.71%		61.29%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
CYFD	69000	25	\$9.71	1	\$9.93	3	\$10.67	\$0.74	6.95%
	69000	30	\$10.44	14	\$11.18	1	\$10.74	(\$0.44)	-4.06%
	69000	35	\$11.33	54	\$11.49	5	\$11.75	\$0.26	2.22%
	69000	40	\$12.37	93	\$12.73	5	\$14.31	\$1.58	11.05%
	69000	45	\$13.61	22	\$14.55	1	\$12.64	(\$1.91)	-15.12%
	69000	50	\$15.11	101	\$15.08	14	\$15.43	\$0.35	2.29%
	69000	55	\$16.89	139	\$15.74	140	\$13.84	(\$1.90)	-13.74%
	69000	60	\$18.47	285	\$18.06	103	\$17.47	(\$0.59)	-3.37%
	69000	65	\$20.40	209	\$21.72	107	\$20.15	(\$1.56)	-7.76%
	69000	70	\$22.74	261	\$23.35	117	\$22.78	(\$0.57)	-2.48%
	69000	75	\$25.50	57	\$29.06	28	\$28.07	(\$0.99)	-3.53%
	69000	80	\$28.76	13	\$32.57	19	\$32.33	(\$0.24)	-0.74%
	69000	85	\$32.70	38	\$31.65	25	\$32.17	\$0.52	1.61%
	69000	90	\$37.35	25	\$35.08	17	\$36.91	\$1.82	4.94%
	69000	95	\$42.92	3	\$40.01	2	\$41.42	\$1.41	3.40%
	69000	96	\$35.68	4	\$46.13	8	\$43.08	(\$3.05)	-7.07%
69000	98	\$66.89	1	\$61.27	1	\$87.88	\$26.62	30.29%	
Dept Totals	1916			1320		596			
% of Total				68.89%		31.11%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Military Affairs	70500	25	\$9.71	1	\$10.94	2	\$10.85	(\$0.09)	-0.79%
	70500	35	\$11.33	1	\$13.36	1	\$14.86	\$1.50	10.11%
	70500	40	\$12.37	4	\$14.23	10	\$13.18	(\$1.05)	-7.95%
	70500	45	\$13.61	0	\$0.00	6	\$16.99	\$16.99	
	70500	50	\$15.11	9	\$16.88	9	\$16.06	(\$0.82)	-5.10%
	70500	55	\$16.89	15	\$17.57	18	\$14.96	(\$2.60)	-17.41%
	70500	60	\$18.47	9	\$21.91	7	\$19.74	(\$2.17)	-10.97%
	70500	65	\$20.40	6	\$23.15	9	\$20.26	(\$2.89)	-14.28%
	70500	70	\$22.74	1	\$23.00	9	\$24.01	\$1.01	4.22%
	70500	75	\$25.50	4	\$27.55	6	\$26.18	(\$1.37)	-5.22%
	70500	80	\$28.76	1	\$29.50	0	\$0.00	(\$29.50)	
	70500	85	\$32.70	0	\$0.00	2	\$31.77	\$31.77	
Dept Totals	130			51		79			
% of Total				39.23%		60.77%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Adult Parole	76000	40	\$12.37	0	\$0.00	1	\$12.00	\$12.00	
	76000	45	\$13.61	1	\$11.75	0	\$0.00	(\$11.75)	
	76000	50	\$15.11	2	\$15.49	0	\$0.00	(\$15.49)	
	76000	85	\$32.70	1	\$29.39	0	\$0.00	(\$29.39)	
Dept Totals	5			4		1			
% of Total				80.00%		20.00%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Juvenile Parole Bd	76500	45	\$13.61	1	\$12.77	0	\$0.00	(\$12.77)	
	76500	70	\$22.74	0	\$0.00	1	\$22.65	\$22.65	
Dept Totals	2			1		1			
% of Total				50.00%		50.00%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Corrections	77000	30	\$10.44	2	\$10.95	1	\$13.37	\$2.42	18.12%
	77000	40	\$12.37	82	\$12.51	4	\$14.30	\$1.79	12.53%
	77000	45	\$13.61	23	\$14.16	3	\$13.54	(\$0.62)	-4.57%
	77000	50	\$15.11	22	\$14.64	22	\$12.86	(\$1.79)	-13.89%
	77000	55	\$16.89	152	\$14.73	782	\$14.83	\$0.10	0.68%
	77000	60	\$18.47	102	\$17.20	305	\$17.89	\$0.69	3.85%
	77000	65	\$20.40	195	\$18.53	147	\$18.40	(\$0.13)	-0.72%
	77000	70	\$22.74	49	\$23.00	51	\$22.42	(\$0.58)	-2.59%
	77000	75	\$25.50	18	\$25.30	68	\$24.59	(\$0.71)	-2.88%
	77000	80	\$28.76	5	\$32.45	6	\$28.44	(\$4.01)	-14.11%
	77000	85	\$32.70	12	\$30.35	32	\$29.90	(\$0.45)	-1.51%
	77000	90	\$37.35	8	\$34.65	17	\$33.85	(\$0.80)	-2.38%
	77000	95	\$42.92	0	\$0.00	4	\$41.12	\$41.12	
	77000	96	\$35.68	1	\$42.52	5	\$44.21	\$1.69	3.82%
	77000	97	\$57.47	0	\$0.00	1	\$63.74	\$63.74	
	77000	98	\$66.89	0	\$0.00	1	\$82.05	\$82.05	
Dept Totals	2120			671		1449			
% of Total				31.65%		68.35%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Crime Victims	78000	45	\$13.61	1	\$11.40	0	\$0.00	(\$11.40)	
	78000	55	\$16.89	1	\$14.85	0	\$0.00	(\$14.85)	
	78000	60	\$18.47	8	\$17.87	3	\$16.82	(\$1.05)	-6.22%
	78000	65	\$20.40	2	\$20.37	1	\$25.70	\$5.33	20.75%
	78000	85	\$32.70	2	\$28.70	0	\$0.00	(\$28.70)	
	78000	90	\$37.35	1	\$30.35	0	\$0.00	(\$30.35)	
Dept Totals	19			15		4			
% of Total				78.95%		21.05%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Public Safety	79000	25	\$9.71	5	\$11.18	1	\$10.43	(\$0.75)	-7.19%
	79000	30	\$10.44	1	\$10.50	3	\$11.51	\$1.01	8.79%
	79000	35	\$11.33	3	\$11.60	2	\$11.86	\$0.25	2.14%
	79000	40	\$12.37	34	\$13.11	0	\$0.00	(\$13.11)	
	79000	45	\$13.61	37	\$12.85	20	\$13.79	\$0.93	6.75%
	79000	50	\$15.11	77	\$13.72	88	\$13.99	\$0.27	1.95%
	79000	55	\$16.89	22	\$18.07	1	\$18.41	\$0.34	1.86%
	79000	60	\$18.47	12	\$18.75	11	\$18.35	(\$0.40)	-2.18%
	79000	65	\$20.40	19	\$21.38	12	\$19.94	(\$1.44)	-7.20%
	79000	70	\$22.74	15	\$21.84	99	\$20.27	(\$1.57)	-7.75%
	79000	75	\$25.50	17	\$28.24	32	\$26.05	(\$2.18)	-8.38%
	79000	80	\$28.76	15	\$32.37	22	\$31.26	(\$1.11)	-3.54%
	79000	85	\$32.70	2	\$33.83	12	\$35.43	\$1.60	4.52%
	79000	90	\$37.35	0	\$0.00	6	\$38.68	\$38.68	
	79000	95	\$42.92	0	\$0.00	3	\$42.91	\$42.91	
Dept Totals	571			259		312			
% of Total				45.36%		54.64%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Homeland Security & Office of Emergency Mgt	79500	45	\$13.61	3	\$16.04	0	\$0.00	(\$16.04)	
	79500	50	\$15.11	1	\$15.55	2	\$16.51	\$0.96	5.81%
	79500	55	\$16.89	6	\$17.25	1	\$18.55	\$1.30	7.00%
	79500	60	\$18.47	7	\$18.92	7	\$19.62	\$0.70	3.57%
	79500	65	\$20.40	3	\$24.35	5	\$21.56	(\$2.79)	-12.92%
	79500	70	\$22.74	3	\$26.74	2	\$22.94	(\$3.80)	-16.56%
	79500	75	\$25.50	2	\$31.28	3	\$27.49	(\$3.80)	-13.81%
	79500	80	\$28.76	1	\$29.75	1	\$38.06	\$8.31	21.83%
	79500	85	\$32.70	2	\$36.02	4	\$34.74	(\$1.28)	-3.68%
Dept Totals	53			28		25			
% of Total				52.83%		47.17%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
DOT	80500	25	\$9.71	4	\$10.46	7	\$8.64	(\$1.81)	-20.97%
	80500	30	\$10.44	8	\$11.59	8	\$11.74	\$0.15	1.30%
	80500	35	\$11.33	1	\$11.30	14	\$12.50	\$1.21	9.64%
	80500	40	\$12.37	25	\$12.80	25	\$13.70	\$0.90	6.58%
	80500	45	\$13.61	29	\$14.43	134	\$12.63	(\$1.80)	-14.25%
	80500	50	\$15.11	66	\$15.90	536	\$13.86	(\$2.04)	-14.71%
	80500	55	\$16.89	90	\$17.66	514	\$16.77	(\$0.88)	-5.28%
	80500	60	\$18.47	93	\$20.17	174	\$19.14	(\$1.03)	-5.40%
	80500	65	\$20.40	52	\$24.44	124	\$22.80	(\$1.63)	-7.16%
	80500	70	\$22.74	21	\$24.36	61	\$24.15	(\$0.20)	-0.85%
	80500	75	\$25.50	24	\$29.18	100	\$27.25	(\$1.93)	-7.07%
	80500	80	\$28.76	13	\$33.61	71	\$34.32	\$0.71	2.07%
	80500	85	\$32.70	12	\$36.41	44	\$32.98	(\$3.44)	-10.43%
	80500	90	\$37.35	4	\$39.95	21	\$39.56	(\$0.39)	-0.98%
	80500	95	\$42.92	6	\$43.13	25	\$44.46	\$1.32	2.98%
	80500	96	\$35.68	0	\$0.00	9	\$47.11	\$47.11	
Dept Totals	2315			448		1867			
% of Total				19.35%		80.65%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
Public Ed Dept	92400	35	\$11.33	0	\$0.00	1	\$12.35	\$12.35	
	92400	40	\$12.37	4	\$14.18	2	\$14.74	\$0.56	3.78%
	92400	45	\$13.61	13	\$15.75	3	\$15.37	(\$0.37)	-2.43%
	92400	50	\$15.11	25	\$17.46	5	\$16.96	(\$0.50)	-2.95%
	92400	55	\$16.89	6	\$20.21	2	\$19.02	(\$1.19)	-6.24%
	92400	60	\$18.47	5	\$21.36	0	\$0.00	(\$21.36)	
	92400	65	\$20.40	16	\$23.02	18	\$23.31	\$0.29	1.23%
	92400	70	\$22.74	12	\$27.71	8	\$24.21	(\$3.51)	-14.49%
	92400	75	\$25.50	48	\$30.11	26	\$29.19	(\$0.92)	-3.16%
	92400	80	\$28.76	2	\$30.11	7	\$34.18	\$4.07	11.91%
	92400	85	\$32.70	13	\$36.93	16	\$37.22	\$0.29	0.79%
92400	90	\$37.35	7	\$39.90	6	\$42.36	\$2.46	5.81%	
Dept Totals	245			151		94			
% of Total				61.63%		38.37%			

Business Name	Business Unit	Salary Grade	Midpoint / Hourly	No. Females	Female Avg	No. Males	Male Avg	Gap (Male-Female)	%Gap /Male
NM Higher Education Dept	95000	45	\$13.61	1	\$12.10	0	\$0.00	(\$12.10)	
	95000	50	\$15.11	2	\$17.31	0	\$0.00	(\$17.31)	
	95000	55	\$16.89	1	\$19.72	0	\$0.00	(\$19.72)	
	95000	60	\$18.47	5	\$20.79	1	\$14.00	(\$6.79)	-48.53%
	95000	65	\$20.40	2	\$23.71	1	\$24.63	\$0.92	3.73%
	95000	70	\$22.74	5	\$25.22	4	\$24.76	(\$0.46)	-1.85%
	95000	75	\$25.50	4	\$27.69	0	\$0.00	(\$27.69)	
	95000	80	\$28.76	4	\$31.93	0	\$0.00	(\$31.93)	
	95000	85	\$32.70	1	\$31.50	1	\$36.25	\$4.75	13.11%
Dept Totals	32			25		7			
% of Total				78.13%		21.88%			

Total Classified Employees : 19,811

Appendix II

Job Segregation in the New Mexico Workforce

Job Segregation

	No. employees	% female	% male
More than 50 employees			
Tax and Rev	1035	67.25%	32.75%
DFA	150	62.00%	38.00%
GSD	293	42.32%	57.68%
Public Defender	350	62.86%	37.14%
DOIT	166	34.94%	65.06%
PERA	69	68.12%	31.88%
SPO	52	61.54%	38.46%
Tourism	71	69.01%	30.99%
Economic Develop	56	58.93%	41.07%
RLD	266	48.87%	51.13%
PRC	232	49.57%	50.43%
Expo NM	55	49.09%	50.91%
Gaming Control	51	54.90%	45.10%
Cultural Affairs	476	48.95%	51.05%
Livestock Board	74	16.22%	83.78%
Game & Fish	272	24.26%	75.74%
Energy Minerals & Natural Resources	425	33.65%	66.35%
State Land	138	39.86%	60.14%
State Engineer	320	46.25%	53.75%
Comm. for the Blind	63	63.49%	36.51%
Aging & Long Term Services	259	71.04%	28.96%
Human Services	1801	81.79%	18.21%
Workforce Solutions	445	62.92%	37.08%
Workers Comp	111	72.97%	27.03%
% of Dept of Vocational RehabTotal	280	70.71%	29.29%
Minors Colfax Medical Center	201	75.12%	24.88%
Dept of Health	3692	68.55%	31.45%
Environment	625	46.56%	53.44%
CYFD	1916	68.89%	31.11%
Military Affairs	130	39.23%	60.77%
Corrections	2120	31.65%	68.35%
Public Safety	571	45.36%	54.64%
Homeland Security & Office of Emergency Mgt	53	52.83%	47.17%
DOT	2315	19.35%	80.65%
Public Ed Dept	245	61.63%	38.37%
Fewer than 50 employees			
State Auditor	24	54.17%	45.83%
State Investment Council	25	60.00%	40.00%
NMPS Ins Authority	7	42.86%	57.14%
RHCA	19	73.68%	26.32%
ERB	45	64.44%	35.56%
Records Comm.	34	44.12%	55.88%
Secretary of State	29	68.97%	31.03%
State Treasure	31	67.74%	32.26%
Archit Ex Board	2	100.00%	0.00%
Boarder Develop	3	33.33%	66.67%
NM Medical Board	10	100.00%	0.00%
Nursing BD	17	88.24%	11.76%
Pro Engineers	6	66.67%	33.33%
Racing Comm.	9	66.67%	33.33%
Veterinary Board	2	100.00%	0.00%

Space Port Authority	5	40.00%	60.00%
Youth Conserve	2	100.00%	0.00%
Organic Commodity	3	66.67%	33.33%
Comm. on the Status Of Women	12	91.67%	8.33%
African American Affairs	4	50.00%	50.00%
Deaf/HH	13	84.62%	15.38%
Indian Affairs	8	87.50%	12.50%
Gov Comm. on Disability	7	57.14%	42.86%
Dev Disability Planning Council	16	81.25%	18.75%
Health Policy Comm.	11	63.64%	36.36%
Veteran Affairs	31	38.71%	61.29%
Adult Parole	5	80.00%	20.00%
Juvenile Parole Bd	2	50.00%	50.00%
Crime Victims	19	78.95%	21.05%
NM Higher Education Dept	32	78.13%	21.88%



Energy Commission

ACTION CALENDAR

May 14, 2019

To: Honorable Mayor and Members of the City Council
 From: Berkeley Energy Commission
 Submitted by: Ryan Bell, Chairperson, Berkeley Energy Commission
 Subject: Recommendations for a Fossil Fuel Free Berkeley

RECOMMENDATION

The Berkeley Energy Commission recommends the City Council refer to the City Manager to implement the recommendations listed below as well as additional measures outlined in the attached report to aggressively reduce greenhouse gas (GHG) emissions in the city and the region.

FISCAL IMPACTS OF RECOMMENDATION

Unknown.

CURRENT SITUATION AND ITS EFFECTS

This report responds to the Fossil Free Berkeley and Climate Emergency referrals from the June 12, 2018 Council meeting sponsored by Council member Davila, Mayor Arreguin and Councilmember Harrison. The Energy Commission has prepared a Fossil Fuel Free Berkeley Report including the following recommendations to achieve the goals outlined by council to address the climate emergency and transition Berkeley away from fossil fuels.

Four Fast Track Proposals

- Opt all East Bay Community Energy accounts to 100% renewable electricity in 2019. This would result in an immediate 10% reduction in GHGs.
- Integrate greenhouse gas (GHG) reduction goals into the objectives and responsibilities of every city department. Amend funding priorities to support this initiative.
- Develop an updated Climate referendum to put before the voters that includes challenging proposals and why they are necessary. A successful referendum campaign would provide the platform for massive public education and support Council decision making.
- Lead a regional effort to change the Utility Users Tax structure in order to assess taxes on natural gas usage separately from electricity usage, followed by a referendum asking voters to approve raising the natural gas usage tax. Funds raised would be dedicated to de-carbonization efforts.

Summary of Recommendations**Citywide Transportation**

1. Accelerate infrastructure changes to support walking, biking, and small electric and human powered vehicles.
 - a. Build all high priority projects in the city's bicycle, pedestrian, and BeST plans including tier 1 projects in the bike plan by 2025.
 - b. Re-prioritize road and sidewalk capital expenditures to accelerate changes in favor of walking, human powered vehicles, and other low carbon footprint mobility alternatives.
 - c. Add 3 FTE to the Transportation Division to expedite implementation.
2. Explore developing Berkeley shuttle services similar to the Emery Go-Round using EVs.
3. Develop effective communication and education strategies. Continue to expand programs that encourage residents to shift to fossil fuel free modes of transport.
4. Consider free transit passes for youth, restricted vehicle access to certain streets, and additional parking fees. Funds raised would be used to support fossil fuel free transportation programs.

Residential and Commercial Buildings

1. Opt all accounts in Berkeley up to 100% renewable EBCE electricity in 2019, with a policy of no added cost for CARE customers and an outreach campaign to enroll all eligible customers in the CARE program. This is the most significant action the city can take to reduce GHGs.
2. Expand BESO and include electrification along with energy efficiency. Consider more triggers that require an energy audit, more detailed energy audits, requiring the seller to complete the audit to the buyer, and requiring implementation of some of audit recommendations.
3. Stop expansion of natural gas infrastructure by prohibiting gas cooktops and dryers in new residences. Place a moratorium on new gas hook ups if possible.
4. Funding options for electrification and energy efficiency upgrades:
 - a. Sales transfer tax rebates, similar to the seismic rebate but tied to implementation of BESO recommendations.
 - b. A new, very low interest revolving loan fund.
 - c. Strategic relaxation of the Planning Code in exchange for electrification and energy efficiency measures.
5. Develop an effective communication and education strategy that reaches the Berkeley community at large. This strategy should include updating the City's permit service center website to reflect the City's prioritization of electrification, and low carbon footprint and low toxic construction. The City's website needs to offer clear guidance reflecting the urgency of the climate crisis.

Regional Action

1. Lead a regional effort to make changes to the Utility Users Tax structure in order to assess taxes on natural gas usage separately from electricity usage. The City Council adopted a resolution in favor of this change and is awaiting support from other cities in the region to share the fees PGE would charge to modify the billing. Once complete, the City should submit a referendum to voters that would raise the tax on natural gas usage and dedicate the funds to de-carbonization efforts.
2. Encourage the Bay Area Air Quality Management District (BAAQMD) to adopt rules with future effective dates to prohibit sale of gas powered appliances. It has used the authority in the past to prohibit the sale of polluting products like high VOC paints and to restrict installation of wood burning fireplaces.
3. Increase regional and support state efforts to expand availability of low global warming potential refrigerant, heat pump space and water heaters for the retrofit markets.
4. Initiate regional policy consistent with fossil free goals for ride hailing services and the introduction of autonomous vehicles. Support state programs that restrict the use of fossil fuel by ride hailing services and autonomous vehicles. Regulate these services to reduce overall per capita VMT.
5. Explore viability of reducing R-1 zoning to increase housing availability, opportunities for home ownership and improve transit access through increasing densification. Such transit oriented development can provide the density to support expansion of regional transit.

Given statutory limitations on specific authorities held by the City, the Energy Commission is not able to determine a date by which Berkeley could be completely fossil fuel free. However, aiming to be fossil fuel free by 2030 to the fullest extent possible is a compelling goal. Urgency prompts the Commission to recommend aggressively prioritizing options with high early impacts. Lastly, Berkeley will only become a carbon sink if it is also virtually fossil free. The City has little capacity to sequester carbon.

At the January 23, 2019 meeting, the commission took the following action:

Action: Motion/Second (Weems/Patel) to approve the Fossil Fuel Report with amendments and recommend City Council refer to the City Manager to implement the recommendations in the report to aggressively reduce GHG emissions in the city and the region.

Vote: Ayes –Leger, Bell, Patel, Weems, Paulos, Stromberg; Noes – None; Abstain – None; Absent – Luce, Schlachter.

BACKGROUND

The Fossil Free Berkeley and Climate Emergency resolutions asked the Energy Commission to consider actions “to further implement the Climate Action Plan and establish the goal of becoming a Fossil Fuel Free Berkeley” and to consider several actions the city might take as part of this review.

ENVIRONMENTAL SUSTAINABILITY

These recommendations are intended to accelerate citywide reductions in GHGs.

RATIONALE FOR RECOMMENDATION

While making recommendations for all of the actions the Council requested that the commission consider, the main recommendations for reducing GHG emissions focus on transportation and residential and commercial buildings as they are responsible for 98% of Berkeley’s GHG emissions.

ALTERNATIVE ACTIONS CONSIDERED

None considered.

CITY MANAGER

See Companion Report.

CONTACT PERSON

Billi Romain, Energy Commission Secretary

Attachments:

1: Berkeley Energy Commission Recommendations for a fossil fuel free Berkeley.

Fossil Free Berkeley Report

Berkeley Energy Commission January 23, 2019

Council Referral

On June 12, the Berkeley City Council passed item 30 “Fossil Free Berkeley” which refers “to the Energy Commission and Transportation Commission consideration of the proposed resolution or similar action to further implement the Climate Action Plan and establish the goal of becoming a Fossil Fuel Free Berkeley, and further consider:

Establishing a date by which we are committed to being a Fossil Fuel Free City;

Opposing further transportation of oil, gas, and coal;

Fully implementing Berkeley Deep Green Building, raising the citywide LEED certification requirement above the current LEED Silver, and applying the same requirements to newly constructed city facilities, and major renovations;

Requiring all future City government procurements of vehicles to minimize emissions, and establishing a goal and plan for transitioning the city’s vehicle fleet to all electric vehicles;

Establishing a goal and plan for transitioning to 100% renewable energy for municipal operations and a community wide goal of 100% reductions by 2030;

Formally opposing the recent expansion of offshore drilling by the Trump Administration; and

Calling for region-wide solutions to carbon emissions, including rapid adoption of renewable energy sources, affordable densification of cities and low-emissions public transportation infrastructure.”

On June 12, the Berkeley City Council also passed item 49 “Declaration of a Climate Emergency” which refers “to the Energy Commission to study and report back to Council on a path for Berkeley to become a “Carbon Sink” as quickly as possible, and to propose a deadline for Berkeley to achieve this goal” ideally by 2030.

This Report is the Energy Commission’s response to Council’s June 12 referrals.

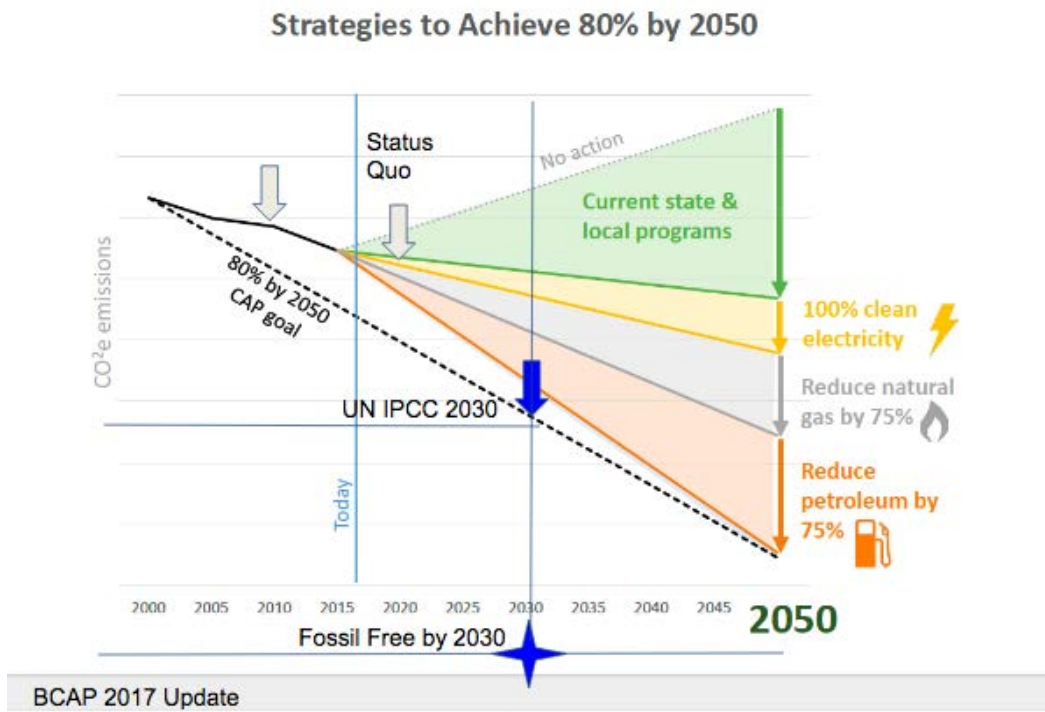
Executive Summary

The City Council's Climate Emergency Resolution lists record breaking climate related catastrophes and urges 'out of the box' thinking for solutions.

As if intended to support the Council's climate emergency declaration, the UN IPCC issued a heart rattling Special Report ([IPCC-SR15](#), 10/9/2018) noting global temperatures are rising faster than predicted an myriad of cascading effects are happening sooner, and reiterating a worldwide goal to keep warming to no more than 1.5 °C. It asserts Greenhouse pollution must be reduced 45 percent from 2010 levels by 2030 and 100 percent by 2050.

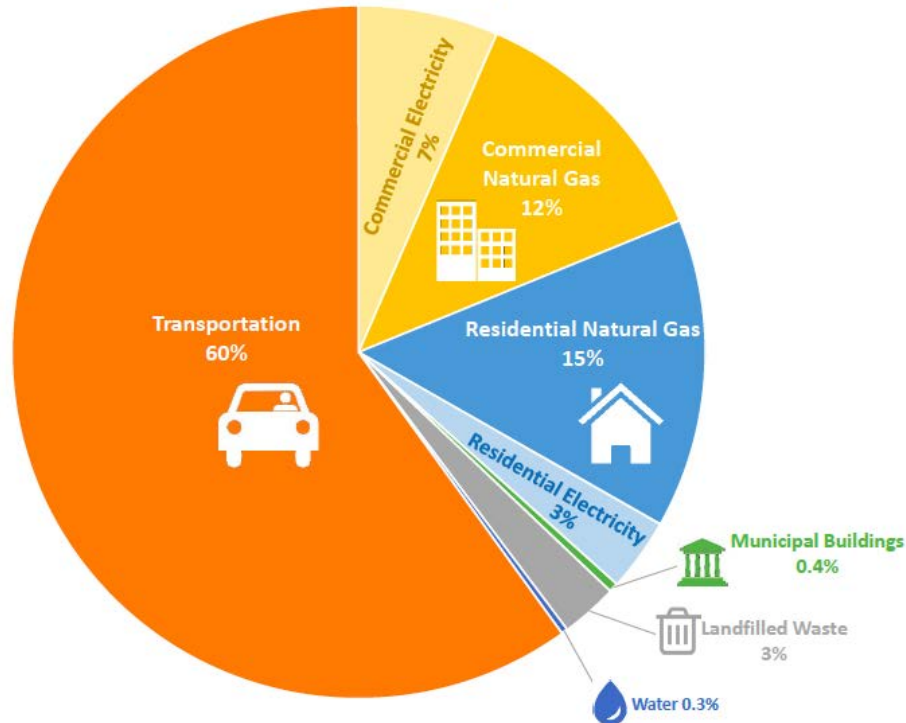
The trajectory of the Berkeley Climate Action Plan's 2020 emission reduction targets, extended to 2030, is roughly in line with the IPCC-SR15 goal. However, according to the city's 2018 [Annual Progress Update](#) Berkeley is significantly behind in achieving the Climate Action Plan 2020 reduction goals, let alone extending that trajectory through 2030 as recommended by IPCC-SR15, or doubling down to become 100% fossil free by 2030 as to be considered in the Fossil Fuel Free Berkeley Resolution Council adopted in June.

IPCC and Fossil Free by 2030 goals superimposed on 2017 CAP update



Clearly in order to meet any of these 2030 goals we need a sea change in commitment. Specifically, we must exert the will to honestly accept and meet the challenge we face. The 2018 CAP Update shows where we need to act:

2016 Community Emissions



Given statutory limitations on specific authorities held by the City, the Energy Commission is not able to determine a date by which Berkeley could be completely fossil fuel free. However, aiming to be fossil fuel free by 2030 to the fullest extent possible is a compelling goal. Urgency prompts the Commission to recommend aggressively prioritizing options with high early impacts. Lastly, Berkeley will only become a carbon sink if it is also virtually fossil free. The City has little capacity to sequester carbon.

Four Fast Track Proposals

- Opt all East Bay Community Energy accounts to 100% renewable electricity in 2019. This would result in an immediate 10% reduction in GHGs.
- Integrate greenhouse gas (GHG) reduction goals into the objectives and responsibilities of every city department. Amend funding priorities to support this initiative.
- Develop an updated Climate referendum to put before the voters that doesn't soft pedal very challenging proposals and why they are necessary. A successful referendum campaign would provide the platform for massive public education and

support Council decision making. This referendum would be submitted to the voters in November 2020 and would include binding mandates and specific priorities for emissions reductions.

- Lead a regional effort to make changes to the Utility Users Tax structure in order to assess taxes on natural gas usage separately from electricity usage. Once complete, the City should submit a referendum to voters that would raise the tax on natural gas usage and dedicate the funds to decarbonization efforts.

Summary of Recommendations

Citywide Transportation

1. Accelerate infrastructure changes to support walking, biking, and small electric and human powered vehicles.
 - a. Build all high priority projects in the city's bicycle, pedestrian, and BeST plans including tier 1 projects in the bike plan by 2025.
 - b. Re-prioritize road and sidewalk capital expenditures to accelerate changes in favor of walking, human powered vehicles, and other low carbon footprint mobility alternatives.
 - c. Add 3 FTE to the Transportation Division to expedite implementation.
2. Adopt financial incentives and disincentives to reduce transportation carbon emissions such as: free transit passes for youth, restricted vehicle access to certain streets, and additional parking fees. Funds raised would be used to support fossil fuel free transportation programs.
3. Explore developing Berkeley shuttle services similar to the Emery Go-Round using EVs.
4. Develop effective communication and education strategies. Continue to expand programs that encourage residents to shift to fossil fuel free modes of transport.

Residential and Commercial Buildings

1. Opt all accounts in Berkeley up to 100% renewable EBCE electricity with a policy of no added cost for CARE customers and an outreach campaign to enroll all eligible customers in the CARE program. This is the most significant immediate thing the city can do reduce greenhouse gas emissions. A ton of GHG gases eliminated in 2019 is far more impactful in slowing climate change than a ton eliminated in 2025 or even in 2020 because of the impact of positive feedback loops.
2. Expand BESO and include electrification along with energy efficiency. Consider instituting more triggers that require an energy audit, more detailed energy audits, not allowing the seller to transfer the audit to the buyer, and required implementation of some of the measures recommended in the energy audit.

3. Stop expansion of natural gas infrastructure by prohibiting gas cooktops and dryers in new residences. Place a moratorium on new gas hook ups if possible.
4. Funding options for electrification and energy efficiency upgrades:
 - a. Sales transfer tax rebates, similar to the seismic rebate but tied to implementation of BESO recommendations.
 - b. A new, very low interest revolving loan fund.
 - c. Strategic relaxation of the Planning Code, such as density and/or parking requirements, or accelerated review in exchange for electrification and energy efficiency measures.
5. Develop an effective communication and education strategy that reaches the Berkeley community at large. This strategy should include updating the City's website to reflect the City's prioritization of electrification, and low carbon footprint and low toxic construction. Updated green building information should be easily found on the Permit Service Center home page. The City's website needs to offer clear guidance reflecting the urgency of the climate crisis.

Regional Action

1. Lead a regional effort to make changes to the Utility Users Tax structure in order to assess taxes on natural gas usage separately from electricity usage. The City Council adopted a resolution in favor of this change and is awaiting support from other cities in the region to share the fees PGE would charge to modify the billing. It is time to look aggressively for the necessary funds and initiate the process. Once complete, the City should submit a referendum to voters that would raise the tax on natural gas usage and dedicate the funds to decarbonization efforts.
2. Encourage the Bay Area Air Quality Management District (BAAQMD) to adopt rules with future effective dates to prohibit sale of gas powered appliances. It has used the authority in the past to prohibit the sale of polluting products like high VOC paints and to restrict installation of wood burning fireplaces. Prohibiting sale of gas powered appliances would support electrification.
3. Increase regional and support state efforts to expand availability of low global warming potential refrigerant heat pump space and water heaters for the retrofit markets.
4. Initiate regional policy consistent with fossil free goals for ride hailing services and the introduction of autonomous vehicles. Support state programs that restrict the use of fossil fuel by ride hailing services and autonomous vehicles. Regulate these services to reduce overall per capita VMT.
5. Explore viability of reducing R-1 zoning to increase housing availability, opportunities for home ownership and improve transit access through increasing densification. Such transit oriented development can be adopted throughout the region to reduce development pressure on open spaces, provide more housing near jobs, and provide the density to support expansion of regional transit.

Analysis

I. Establishing a date by which we are committed to being a Fossil Fuel Free City

Recommendations

1. Consider a new ballot initiative for updating the Climate Action Plan in order to engage Berkeley residents in the comprehensive and ambitious efforts that will be needed.
2. The City should take aggressive, immediate, and sustained action to achieve the goal of a fossil free Berkeley to the fullest extent possible while simultaneously calling for necessary and immediate complementary emergency actions by other local, regional (e.g. MTC/ABAG, BAAQMD, BayREN) state and federal governmental bodies.

Discussion

The Energy Commission believes that the Berkeley Residents who initiated “Fossil Free Berkeley” intend it to apply to the entire city, not just municipal operations. Our comments reflect this point of view.

The two Council items 30 and 49 taken together suggest a goal of 2030 for Berkeley to become fossil free. It should be noted that this is far more ambitious than recommendations by the IPCC and recently adopted state laws¹ which taken together would suggest a goal of 50% reduction of greenhouse gas (GHG) emissions by 2030.

In some ways, Berkeley is better positioned than many cities to take the initiative to make accelerated and meaningful reductions in fossil fuel consumption.

- Unlike many other GHG emissions sectors, techniques for eliminating building GHGs--specifically improving energy efficiency, electrifying remaining energy uses, and using renewably generated electricity--are all commercially available, and can improve comfort and safety and offer property owners economic savings over time. Energy efficiency programs have been around for decades and the city’s unique BESO energy audit program helps property owners prioritize efficiency upgrade spending. Because of recent developments in heat pump technologies making electric heat pump space and water heating more than 3 times as efficient as their gas equivalents and the dramatic

¹ SB 100 commits state utilities to provide 60% renewable electricity by 2030, and zero carbon electricity by 2045.

AB 3232 charges the California Energy Commission with assessing how to reduce emissions from the state’s building stock by 40 percent below 1990 levels by 2030.

SB 1477 will expand the accessibility of clean heating technologies by promoting them in the market with incentives and training.

Executive Order B-55-18 commits California to economy-wide carbon neutrality by 2045.

increase of renewables on the electricity grid, all electric homes, even without solar panels, can produce substantially less GHGs than natural gas powered ones.

- Berkeley's size, density, mild and dry climate, and mass transit infrastructure make it ideally suited for an accelerated reduction in transportation related GHGs. The recent commercial introduction of vehicle sharing programs and proliferation of small electric vehicles such as electric bikes, scooters, and tricycles solve two of the main long time challenges to rethinking the transportation picture in Berkeley. They dramatically reduce costs of electric transport and offer small scale power assisted options, particularly for hills residents.

According to the 2017 Bicycle Plan a "2015 survey of Berkeley residents showed 90 percent of Berkeley residents already bicycle or would consider bicycling if the right bikeway facility or roadway conditions were available. That is a larger percentage than any other city that has conducted a similar study, including Portland...."

- Finally, residents voted overwhelming in favor of the Berkeley Climate Action plan in 2006 and are likely to support new targeted programs to accelerate reductions in GHGs.

The challenges to accelerating GHG reductions cannot be overstated. They are technological, political and social. And, the more ambitious the reduction goals the greater the challenges. While Berkeley is better set up to meet a goal of 100% reduction by 2030 than many communities, it is still a very difficult task.

- The vast majority of buildings rely on natural gas for operation. Every one of them will need to be shifted from gas to all electric operation. Every fossil fuel operated vehicle on the roads will need to be eliminated. How do we motivate ourselves to electrify our buildings and give up our fossil fuel vehicles?
- As much as a quarter of Berkeley's past GHG reductions are a result of state programs such as the renewable fuels portfolio standard. To push ahead with an accelerated GHG reduction goal, the city will need to rely on local programs.
- There are real technological hurdles that need to be solved before complete electrification of the California or US economy can occur. It is hoped these problems will be solved by 2030 or much sooner. While they do not prohibit Berkeley from being fossil free by 2030 as an isolated entity, they do drive up the cost for some of the needed technologies, particularly in relationship to vehicles and battery storage. In addition, regional and state governments will be reluctant to set goals without confidence that the technologies are in place to meet them, so Berkeley will likely be out of step with others the more aggressively it pursues accelerated GHG reductions.

Finally, the urgency of the climate crisis requires use of the simplest, cheapest and most available tools at hand to achieve high early results. A ton of GHG gases eliminated in 2019 is far more impactful in slowing climate change than a ton eliminated in 2025 or even in 2020. Because of positive feedback loops, the effects of GHG emissions are amplified. For example warmer, dryer forests burn more which releases more CO₂ which contributes to more forest fires. Establishment of new manufacturing facilities and a city scale power company would take decades. It will be far more effective to work with existing programs such as East Bay Community Choice Energy, BESO, and the Berkeley Bicycle Plan.

II. Opposing further transportation of oil, gas, and coal

Recommendations

1. In order to put the brakes on the transport of refinery feedstock and refined products traveling through Berkeley, call for a plan to responsibly wind down all Bay Area refineries as California demand wanes.
2. Consider a ban on the storage and transport of coal within the City

Discussion

It should be noted that the City of Berkeley has already adopted a more specific position in opposition to transport of oil, gas and coal: joining neighboring communities in September in calling for a ban on coal shipments through East Bay Communities.

Unfortunately, the Federal Government has jurisdiction over rail transport limiting the City's options for preventing travel by rail through Berkeley.

Eliminating transport of fossil fuels would require the shutdown of all Bay Area oil refineries, because their products are trucked to and through Berkeley for cars, trucks, planes and trains operating in the Bay Area. It would also mean that all ground vehicles, including trains would have to be converted to run on 100% carbon-free electricity, and air transport be fueled by bio-fuel or by imported fossil fuels.

Regarding the shutdown of local refineries, Communities for a Better Environment has drafted a California Refinery Study and will soon launch a campaign to responsibly wind down all California refineries by 2035, by requiring annual emission reductions of 5% beginning in 2020. Mayors of Benicia and Richmond, home to the Valero and Chevron refineries, are already making public statements in support of winding down Bay Area refineries. As California electrifies its vehicles, we must ensure refineries are not permitted to maintain or increase refining activities such that fossil fuel exports increase and frontline communities remain subject to the health consequences of this dirty, outdated industrial sector.

III. Fully implementing Berkeley Deep Green Building plan, raising the citywide LEED certification requirement above the current LEED Silver,

and applying the same requirements to newly constructed city facilities, and major renovations

Municipal Buildings Recommendations

1. Immediately convene a citywide departmental summit including Public Works and Planning and Development to establish a timeline and budget for electrifying all city owned buildings and installing solar plus storage at City buildings wherever possible.
2. Review and re-prioritize all funds currently earmarked for capital improvements to facilitate rapid electrification of municipal buildings.
3. Work with East Bay Community Energy to secure grants for solar with storage.
4. Use the 2 x 2 process to coordinate with BUSD in establishing a fossil fuel free goal and providing BUSD with technical and policy assistance to achieve it.
5. Set higher goals for municipal buildings related to indoor air quality, lowered carbon footprint, and all electric as outlined in Berkeley Deep Green Building and Healthy Building Network's HomeFree Spec guidance.² In addition to developing expertise that can be shared with Berkeley residents and property owners, these changes would have health, environmental, and economic benefits. The City can decide the standards which municipal buildings must be built or remodeled to. It is our understanding that currently, there is no requirement beyond meeting minimum state building codes.

Residential and Commercial Buildings Recommendations

1. Develop options for expanding the coverage of the current LEED requirements to other areas of the City including mandatory points in certain sections.
2. Strategically relax the Planning Code, such as density and/or parking requirements or accelerated permit review in exchange for electrification and energy efficiency measures.
3. Place moratorium on natural gas cooktops and dryers in new residences or on new gas hook ups if possible.
4. Institute a transfer tax rebate for energy efficiency upgrades and electrification at time of sale.
5. Ensure every plan checker is trained in methods of electrification, and instructed to present that information to property owners at the beginning of the permit application process. In this way, every interaction with property owners becomes an opportunity to educate them on their options for home energy efficiency and

² <https://homefree.healthybuilding.net/reports>

electrification and their importance. Building owners need to understand the importance of reducing energy consumption and electrification and to switch out fossil fuel appliances for electric whenever possible.

6. Expand BESO and shift focus to include electrification along with energy efficiency. To be considered are: instituting more triggers that require an energy audit, more detailed energy audits, not allowing the seller to transfer the audit to the buyer, and required implementation of some of the measures recommended in energy audit.
7. Develop an effective communication and education strategy that reaches the Berkeley community at large. This strategy should include updating the City's website to reflect the City's prioritization of electrification, and low carbon footprint and low toxic construction. Updated green building information should be easily found on the Permit Service Center home page. Many architects, builders and homeowners begin the design process online, making key decisions based on information found online. It is critical the City's website offer clear guidance reflecting the urgency of the climate crisis.
8. Work with PG&E to develop a plan for eventually shutting down natural gas service in Berkeley. Priority should be given to areas most vulnerable to the effects of climate change and earthquakes and those where infrastructure has not yet been upgraded to plastic. Funds that would be spent on upgrading gas infrastructure can instead be used for electrifying buildings and under-grounding electrical lines.
9. Consider the development of a long term funding plan such as a very low interest revolving loan fund to assist property owners to decarbonize their buildings.
10. The City should work with the BAAQMD to adopt rules with future effective dates to prohibit sale of gas powered appliances.
11. Increase regional and support state efforts to expand availability of low global warming potential refrigerant heat pumps space and water heaters for retrofit markets.

Discussion

The Berkeley Deep Green Building (BDGB) initiative, adopted by the City Council in 2017, outlines best practices for green building including zero net energy and all electric construction, low carbon footprint and low toxicity building materials, and water conservation. City staff has provided a detailed analysis and review of progress in implementation. See the [Energy Commission](#) Agenda from 4-25-18 for copy of this review.

Energy efficiency measures including: low toxic, low carbon footprint insulation, air sealing, and replacing incandescent with LED lights, have long been recognized as important to greenhouse gas reduction. BDGB argues in addition that going all electric is foundational to achieving fossil fuel free goals. Historically energy efficiency standards and incentive programs have been based on the assumption that natural

gas appliances have lower environmental impacts than electric appliances. However, this is no longer the case. The dramatic increase of renewables in supplying electricity and the development of heat pump technologies for space and water heating, which are more than 3 times as efficient as their gas equivalents, have turned this balance around. If the significant fugitive emissions from gas infrastructure and their concomitant climate changing and indoor air quality impacts are added to the equation, the scale definitely tips in favor of all electric buildings.

Natural gas is also a safety issue in Berkeley. The recent gas line explosions around Lawrence Massachusetts are only the most recent in a long line of such incidents. Even though PG&E is working to upgrade existing infrastructure, rising sea levels in West Berkeley and the overdue earthquake on the Hayward fault threaten Berkeley. Electricity infrastructure has its safety issues as well. Money saved on gas infrastructure could be used on improving the safety and reliability of electric power.

One of the stumbling blocks to a fossil free California is energy storage. All electric, energy efficient buildings can be key in addressing this problem by reducing overall energy demand and drawing energy for space and water heating in the middle of the day when it is most abundant and storing it for use in the evening after the sun goes down. As a quarter of all energy used in the home is for water heating, state policymakers and manufacturers are already working on ways to incorporate tanked electric water heaters into energy management programs.

Heat pump space and water heaters are commercially available and can be economical. Recent studies of homes by Rocky Mountain Institute and NRDC³ have found that all electric construction can be cost effective, especially in new construction where there are significant savings from not installing natural gas plumbing and infrastructure. All electric construction can also be economical in remodels in cases where natural gas equipment is older and needs replacing and where electrification is coupled with solar PV installation.

As the city is largely built out, construction tends to focus on remodels and new construction of high rise apartment buildings. Every effort needs to be made to guide these projects to be all electric. Currently it appears the economics for high rise residential buildings in Berkeley favor electric heating and air conditioning paired with central gas heat for water. Though adding significant cost to construction, some developers will run natural gas to individual units for the perceived increased value of a gas cooktop. It should be noted that building owners who install natural gas heating and appliances now will be left with stranded assets as society is quickly shifting to all electric operation.

³ <https://rmi.org/insight/the-economics-of-electrifying-buildings/>
<https://www.nrdc.org/experts/pierre-delforge/new-report-heating-next-clean-energy-frontier-ca>

The biggest challenge in Berkeley is electrifying existing buildings -- particularly where no work is anticipated or no permit is obtained for the work. This is a major source of greenhouse gases in our city and across the state. Several state level assistance programs can help property owners with improvements. However they generally fall short of amounts needed and currently rebates are not available for switching gas appliances to electric.

California has been a leader in improving energy efficiency and expanding renewable electricity generation. Several state laws from 2018 will continue that effort:

- SB 100 commits state utilities to provide 60% renewable electricity by 2030, and zero carbon electricity by 2045.
- AB 3232 charges the California Energy Commission with assessing how to reduce emissions from the state's building stock by 40 percent below 1990 levels by 2030.
- SB 1477 will expand the accessibility of clean heating technologies by promoting them in the market with incentives and training.
- Executive Order B-55-18 commits California to economy-wide carbon neutrality by 2045.

While California has been a leader in improving energy efficiency, state laws and regulations have been slow to guide and in some cases act as barriers to the transition to all-electric construction. Many of these barriers are obscure and buried deep in regulatory policy:

- 3 prong test. The 3 prong test is policy established in the early 1990s originally intended to ensure fuel switching did not occur that caused adverse effects on the environment. At the time it generally meant discouraging shifts from natural gas to electric. However the policy assumptions continue to serve the same purpose even as the climate impacts of the two fuels have completely changed places. This policy is the core of why PG&E will not provide energy upgrade rebates when changing gas to electric heat.
- Title 24 assumptions. Title 24 is the shorthand name for the energy efficiency standards of the California Building Code. These are updated every 3 years and currently include several assumptions that favor gas heating and air conditioning over electric.
- Energy rate structure. Retail prices for natural gas do not reflect the GHG emissions of gas compared to electricity, or the grid benefits of flexible electric loads like tanked electric water heaters.

Of these barriers, only the assumptions in title 24 have begun to shift in PG&E territory. The standards that will go into effect in 2020 will no longer penalize use of

heat pump water heaters in low rise residential construction. However many other assumptions within the new standards will continue to support use of natural gas such as the climate benefits of electricity in the TDV and the lack of credit given to tanked electric water heaters for energy storage.

At the regional level, BAAQMD has the authority to regulate air pollution including GHGs. It has used the authority in the past to prohibit the sale of polluting products like high VOC paints. It could prohibit sale of gas powered appliances to support electrification and elimination of GHG emissions.

Working within state level constraints, planning staff have developed and pushed policies that improve the energy efficiency of buildings in Berkeley and encourage a shift to all electric, carbon free operation. Policies they have developed unique to Berkeley include:

- New non-residential construction and additions in the downtown area need to be LEED Gold or equivalent.
- Free advice and consultation on green building design and strategies.
- Building renovation and new construction over 10,000 square feet needs to have an energy analysis and a completed green building checklist.
- Under the BESO program, at time of sale for residences and more frequently for commercial properties, owners must complete an energy audit of the building.

City staff are pursuing many additional efforts:

- Reviewing the BESO program to improve effectiveness. Scope of review to include requiring energy audits sooner for more properties, expanding the triggers that require an audit to include remodeling, more detailed energy audits including electrification, elimination of the option of allowing the buyer to perform the audit, and implementation of some of the upgrades recommended by the energy audits.
- Expanding heat pump water heater availability through collaboration on BayRen's mid-market expansion grant program.
- Pursuing "reach" building codes for the 2020 building codes that give regulatory advantage to all electric construction. The most important priority for this effort is new multi-unit high rise apartment buildings and major remodels.
- Advocating for state level policies that allow building owners to receive energy efficiency rebates when switching fuels.

- Advocating for removal of all biases against electrification within the state building energy codes including Total Daily Value (TDV) and computer modeling assumptions.

Care should be taken that solutions do not create additional problems. Many building materials are coming under increasing scrutiny for their long trail of environmental and health impacts, such as polystyrene and PVC plastics and organo-halogenated materials. Others have such a high global warming footprint, such as certain foam plastic insulations that their use minimizes the GHG reduction benefits of the projects. The refrigerants commonly used in most heat pumps in the U.S.A. also have very high global warm potential. While heat pumps still have dramatic energy saving benefits over other options, phase out of these chemicals under state Air Resources Board programs will improve their GHG benefits.

IV. Requiring all future City government procurements of vehicles to minimize emissions, and establishing a goal and plan for transitioning the city's vehicle fleet to all electric vehicles

See V. for discussion and recommendation concerning 100% renewable energy for municipal vehicles.

V. Establishing a goal and plan for transitioning to 100% renewable energy for municipal operations and a community wide goal of 100% reductions by 2030.

See III. for discussion and recommendation concerning 100% renewable energy for buildings.

Municipal Transportation Recommendations

1. Assess the city's transportation vehicle needs and develop an aggressive timeline for transitioning to all electric.⁴ This assessment would include consideration of: 1) Switching to lower carbon transport options such as electric carts or bicycles where possible and 2) the timing of technology development and commercialization for car batteries.
2. Immediately switch diesel vehicles to run on renewable diesel in the interim until fossil fuel free options are available for the tasks they perform.

⁴ Ref: San Francisco Ordinance 115-17 Administrative Code Section 4.10-1:

c) By December 31, 2022, all light duty vehicles in the City fleet must be Zero Emission Vehicles in compliance with Environment Code Section 404, unless there is a waiver, exemption, or applicable exception. detailed in Environment Code Chapter 4.

Citywide Transportation Recommendations

The Energy Commission would like to coordinate recommendations with the Transportation and Public Works Commissions to accelerate a reduction in fossil fuel vehicles in Berkeley. To begin the process, the Energy Commission makes the following recommendations:

1. Re-prioritize road and sidewalk capital expenditures to accelerate changes in favor of walking, human powered vehicles, and other low carbon footprint mobility alternatives. The Council should amend funding priorities to reflect the climate emergency.
2. Adopt financial incentives and disincentives to reduce transportation carbon emissions such as: free transit passes for youth, restricted vehicle access to certain streets, and additional parking fees. Funds raised would be used to support fossil fuel free transportation programs.
3. Develop and implement a transit plan in support of the Climate Action Plan. The transit plan could include detailed accountability metrics such as required dates for identified new routes, dates for replacement of fossil fueled busses and shuttles with electric busses and shuttles, and smaller intra-neighborhood subsidiary transit (shuttles). The city should explore developing its own shuttle services similar to the Emery Go-Round using EVs as part of the transit plan.
4. Add 3 FTE to the Transportation Division to expedite implementation of the city's bicycle, pedestrian, and BeST plans.
5. Build all high priority projects in the city's bicycle, pedestrian, and BeST plans including tier 1 projects in the bike plan by 2025.
6. Develop a communication strategy to inform residents of fossil free and lower carbon footprint personal mobility options and the desirability of prioritizing these options.
7. Continue to develop and expand programs that encourage residents to shift to fossil fuel free modes of transport, such as electric bike and scooter sharing, Waterside Workshop, and Safe Routes to School.
8. Work with State authorities to prohibit operation of autonomous vehicles within city limits unless they are electric vehicles.
9. Use the 2x2 process to encourage the BUSD to develop a plan for phasing out fossil fuel vehicles and supporting families to safely get to and from school without cars.
10. Lobby and work collaboratively with public and private transportation providers and the commercial sector to convert all vehicle fleets to electric power.

11. Support state programs that restrict the use of fossil fuel vehicles by ride hailing services such as Uber and Lyft.

Discussion

One of the greatest challenges we face is how to eliminate emissions from transportation. By far the most promising way to make transportation renewable is with electric vehicles.

The vast majority of fossil fuel powered vehicles operated in the city are owned by individuals and companies and government entities outside of the city simply driving through the city or entering the city for business or pleasure. For the purposes on this report, the fossil fuel free goal will be focused on reducing fossil fueled vehicular traffic on city streets. It should be noted that for Berkeley to be truly fossil free, all ground vehicles, including trains, must be converted to electric power. We recognize the City has no independent way to get Amtrak and freight trains off fossil fuels.

The Commission believes that the goal of 100% emission reduction from vehicles is most likely to happen using batteries. Fuels other than electricity are possible but less likely to be adopted. Biofuels have a limited role because of lack of feedstock availability without associated environmental damage (the food vs. fuel problem).

Electric automobiles are quieter and more economical to operate than gas cars. Although only 2% of new car sales in the United States in 2018 were electric, that represented an 81% increase in sales over 2017. Electric auto sales were about 6% of new cars in California in 2018, and reached 10% in December. Because of their lower operating and maintenance costs, electric cars are competitive in lifetime costs of ownership. Residents of homes without garages (of which there are many in Berkeley), and apartments without charging stations, face a serious challenge to find a place to plug in. We encourage further city action on this.

Another option is hydrogen. To be emission-free the hydrogen has to be produced from renewable electricity or directly from sunlight with a catalyst. The problem is that hydrogen storage is very expensive either as a liquid or as a high pressure gas, both because it is energy intensive and because the container is expensive. Furthermore, the likelihood of leakage is much higher than, say, natural gas and the likelihood of explosive ignition in the presence of oxygen is also much higher than natural gas.

One biofuel that can play a useful role in Berkeley as bridge to electrification is renewable diesel. Renewable diesel though made entirely from vegetable oils is not biodiesel. It is processed to meet the exact performance specifications required for diesel motors. It does not void manufacturer warranties and can be used in any diesel vehicle. The emissions are much cleaner, the carbon footprint is lower and it is cheaper than diesel. While its use should be minimized because of the potential food vs fuel concerns, it can be used immediately in all city diesel vehicles until they can be replaced with fossil fuel free alternatives.

The city already has advocated walking, human powered vehicles, electric vehicles and mass transportation accessibility to all in its 2009 Climate Action Plan. In achieving a fossil fuel free goal, there are important timing issues. Several significant transportation changes are just over the horizon that will dramatically reshape our city street experience including:

- Expanded ride hailing operations such as Uber and Lyft, especially as autonomous vehicle operation is perfected;
- Docked and undocked ride sharing vehicles; and
- Proliferation of varied electric vehicles including electric golf carts, bicycles, tricycles, stand-up scooters, hoverboards, Segways, and wheelchairs.
- Breakthroughs in battery technologies that will dramatically lower the cost and improve performance of electric vehicles.

The city should be careful about engaging in longer term contracts and that decisions be revisited regularly as new technologies mature and the economics change for different transportation modes.

VI. Formally opposing the recent expansion of offshore drilling by the Trump Administration

Offshore Drilling Recommendation

Formally endorse California laws intended to block offshore drilling if it has not done so already.

Discussion

The State legislature has passed and the Governor has signed SB 834 (an act to add Section 6245 to the Public Resources Code, relating to state lands) and SB 1775 (an act to add Section 6245 to the Public Resources Code, relating to state lands). Both Sections are entitled State lands: leasing: oil and gas. These new laws are intended to block the Trump administration's plan to expand offshore oil drilling by prohibiting new leases for new construction of oil and gas-related infrastructure, such as pipelines, within state waters if the federal government authorizes any new offshore oil leases.

VII. Calling for region-wide solutions to carbon emissions, including rapid adoption of renewable energy sources, affordable densification of cities and low-emissions public transportation infrastructure

The Council has rightly included the need for regional coordination to address energy supply, housing and transportation. It's safe to say all Bay Area cities are grappling with these issues in one way or another, with significant disparities among them in both priorities and resources. It will take trust, willingness to move away from a

provincial mentality, leadership from MTC/ABAG and BAAQMD and probably some State action to facilitate deep progress in these areas.

VII.1. Renewable Energy Sources

Renewable Energy Sources Recommendations

1. Opt up all Berkeley's municipal, commercial and residential accounts to EBCE's⁵ 100% Renewable electricity with a policy of no added cost for CARE customers and an outreach campaign to enroll all eligible customers in the CARE program in 2019.
2. Partner with all cities in CCAs to influence state legislators, the Governor, and CPUC Commissioners to develop guiding legislation, policies, and rules that support the continued existence of CCAs.

Discussion

It is critical to move toward 100% clean energy generation sources as soon as possible in order to fully realize GHG emission reductions through "fuel switching" from combustion to electricity in all spheres. There is long established worldwide consensus that the path to climate stabilization requires, in this order:

1. Deep reductions in energy demand through conservation and efficiency,
2. Conversion to clean electricity generation, and
3. Massive electrification.

⁵ A regional approach to increase reliance on renewable energy sources is possible through our new energy provider: East Bay Community Energy (EBCE). EBCE was initiated under a state law passed in 2002 that allowed government jurisdictions to create agencies (called Community Choice Aggregators or CCAs) to purchase power on their residents' behalf as a way to provide energy options to Californians. As a local government agency, EBCE is not for profit and is entirely devoted to the community. Even before EBCE was providing electricity, it was developing a plan to invest locally in energy development. In July 2018, the Board of EBCE adopted a groundbreaking Local Development Business Plan which spells out strategies for local clean energy, energy efficiency, and energy storage projects specifically to help address the environmental, economic, and social justice needs of the East Bay community.

Once established, a CCA is authorized to automatically enroll all accounts in its jurisdiction in the new energy program. Customers have the option of changing the product they are enrolled in or switching back to PG&E. EBCE currently offers three electricity supply products to its residential, commercial and municipal customers:

- Bright Choice - a mix of electricity generated by fossil fuels, renewable sources and large scale hydro, which the State of California does not classify as renewable. It is offered at a slightly lower in price than electricity from PG&E;
- Brilliant 100 - a mix of renewable energy and large hydropower at the same price as PG&E power; and
- Renewable 100 - 100% renewable energy at a slightly higher price.

Both Berkeley (through BESO and other programs) and California (largely through frequent Energy Code updates) have long standing, successful conservation and efficiency requirements. We are national leaders in this and continue to press forward with program improvements and new initiatives. Now that a 100% renewable option is available from EBCE, Berkeley can immediately convert the entire city to clean electricity generation, and turn its focus to the challenge to 'electrifying everything.' Shifting accounts to 100% renewable will reduce community-wide GHG emissions by a whopping 10%.⁶

Under the Climate Emergency Resolution, Council has signaled the intention to act boldly. Berkeley has already fallen significantly behind in achieving its 2050 GHG emission reduction goal as set forth in the 2009 Climate Action Plan.⁷ Opting all its EBCE customers to the Renewable 100 plan is the single most impactful and timely action the City can take in 2019, both because of immediate emission reductions, and to avoid GHG emissions from future increases in demand due to electrification. It is critical to do this now because by the end of 2020, EBCE will be required to sign long term contracts for 65% of its supply portfolio. Once these long term contracts are signed, it will be more difficult for EBCE to shift the sources of its power mix. For these reasons, the Energy Commission recommends that Berkeley move to 100% renewable electricity in 2019.

While EBCE energy mix options were being established last spring, the Berkeley City Council, as did most EBCE cities, chose to enroll all residential and commercial accounts in Bright Choice. Berkeley enrolled its municipal accounts in Brilliant 100. The City of Albany enrolled all accounts in Brilliant 100, Hayward enrolled its residential accounts in Brilliant 100, and the City of Piedmont enrolled all accounts in Renewable 100. We note that ten jurisdictions in Los Angeles and Ventura counties served by Clean Power Alliance (CPA, a CCA) were enrolled in Green Power, its 100% renewable product, as the default. These ten jurisdictions cover a third of CPA's one million customers.⁸

CPA, like EBCE, also has a Community Advisory Committee to help prioritize local renewable energy development and job creation, rebates and incentives. For California's progressive cities and counties, enrollment in 100% renewable energy is a climate action whose time has clearly come. Because 35% of EBCE's power purchase agreements are not required to be long term and electrification will increase demand, we anticipate ample opportunities for EBCE to make significant investments in local

⁶ Berkeley Climate Action Plan Annual Progress Update, Office of Energy and Sustainable Development, Planning Department, Slide 5, December 6, 2018

⁷ Berkeley Climate Action Plan Annual Progress Update, Office of Energy and Sustainable Development, Planning Department, Slide 14, December 7, 2017

⁸ Clean Power Exchange, Alliance will provide clean, competitive energy, January 12, 2019 <https://cleanpowerexchange.org/alliance-will-provide-clean-competitive-energy/>

energy development. As the local development market matures, there will be rolling opportunities to incorporate locally generated power into long term contracts.

There were initial concerns that new EBCE customers would opt out and go back to PG&E. There were also worries that customers would opt out if enrolled in a cleaner mix of energy generation priced at the same or slightly higher cost than PG&E rates. Both of these fears have been shown to be unfounded for the inner East Bay cities of Alameda County. In fact, among all Alameda County cities in EBCE, only the City of Livermore, at 5.56%, has had an opt out rate greater than 2.07%.⁹ Piedmont's experience in making Renewable 100 the default level is instructive. As of December 2018, 6.8% of customers opted down to Brilliant 100 or Bright Choice, and only 2.07% opted out and went back to PG&E. The takeaway is that few customers took any action, and of those who did, the overwhelming majority (77.7%) chose to stay in EBCE.

Concerns have also been raised that opting all customers to the 100% Renewable product would harm low-income customers. The Energy Commission recommends that EBCE follow CPA's lead in which "customers in 100 percent renewable energy communities who are enrolled in CARE, FERA or Medical Baseline will get Green Power at no extra charge."¹⁰ We understand that EBCE is reporting strong net revenues which could be allocated to subsidize CARE customers. Alternatively, non-CARE customers could absorb the additional cost. Furthermore, the value of the non-binding nature of the enrollments is that price sensitive customers can opt down. Unlike an increase in property taxes, nonCARE customers who cannot afford to pay any more for power can simply opt down to the lower priced option.

It has recently come to light that Bright Choice power may in fact have a higher carbon content than electricity provided by PG&E.¹¹ The City Council has the opportunity right now, while the nascent EBCE is locking in long term contracts for power, to opt all accounts to fossil fuel free power to ensure that joining the CCA does in fact reduce citywide GHGs.

The political landscape for CCAs is fraught with heavy opposition from PG&E and its entrenched allies in State government even as they supply electricity that is cleaner and cheaper than their for-profit counterparts.¹² Berkeley needs to partner with all Bay

⁹ EBCE Enrollment Update, December 5, 2018

¹⁰ Clean Power Exchange, Alliance will provide clean, competitive energy, January 12, 2019 <https://cleanpowerexchange.org/alliance-will-provide-clean-competitive-energy/>

¹¹ See comments in: <https://www.berkeleyside.com/2018/12/11/why-does-your-december-electricity-bill-look-different>

¹² [A 2016 UCLA study](#) found that CCAs in California offered 25% more renewable energy compared to the investor-owned utility (IOU) in the same area resulting in an estimated reduction of 600,000 metric tons of CO2 in 2016.

Area cities in CCAs to work with our elected representatives to defeat legislative threats and overcome obstacles at the California Public Utilities Commission. Also, the CCA's themselves need to ensure unity and coordinated responses to initiatives aimed at undermining success.

VII.2. Affordable Densification of Cities

Affordable Densification Recommendations

1. Work with MTC/ABAG, BART cities and counties to reframe and expand Transit Oriented Development concepts to conform with internationally used approaches that look beyond infill at already heavily used transit hubs, and prioritize infill housing everywhere developed in concert with expanded transportation strategies and expanded services (educational, recreational, commercial and environmental enhancement).
2. Work with Bay Area cities and counties to develop a regional funding mechanism to subsidize low income and affordable housing in all jurisdictions.
2. Explore viability of reducing R-1 zoning to increase housing availability, opportunities for home ownership and improve transit access through increasing densification. In addition, support adoption of such transit oriented development throughout the region to reduce development pressure on open spaces, provide more housing near jobs, and provide the density to support expansion of regional.

Discussion

In order to provide affordable densification we need massive housing construction, housing subsidies and expanded transit opportunities. The high cost of living in the Bay Area includes the high cost of construction. If we want to reduce vehicle miles traveled (VMT) and the unhealthy stress of long commutes we must find ways to subsidize housing for average people, because at the present time people living on average incomes who do not already own homes cannot afford to live in the Bay Area either as renters or homeowners, forcing many into ever longer vehicular commutes. This is something that needs to be addressed by both the region and the state. There is too much disparity in wealth across the region for the problem to be completely solved by individual cities.

A desire for walkable neighborhoods and transit access has contributed to gentrification in Berkeley and San Francisco. This new gentrification is fueled by the migration of young professionals from the suburbs to these two cities in particular because they both have ample neighborhood scale services. Remarkably, the median price paid per square foot of living space is no longer significantly higher in most R-1 zones where access to transit is often limited.¹³ This indicates that the hunger for the amenities of a more urban lifestyle is widespread. It's quite possible that there is an

¹³ (https://www.trulia.com/real_estate/Berkeley-California/market-trends/)

untapped openness to neighborhood-scale services and transit development in existing suburbs too. This possibility needs to be explored. Any such nascent cultural shifts should be identified and reinforced. The suburbs have already absorbed job growth in the form of large business parks. Likewise, rails to trails conversions have acculturated suburban residents to walking and biking where convenient. Managed thoughtfully, initiatives to increase suburban infill housing coupled with increased transit, active transportation options and some small scale services could be welcome developments.

The push for housing densification in the Bay Area has relied on a concept of transit-oriented development (TOD) defined by MTC as [emphases added]:

“the clustering of homes, jobs, shops and services near *rail stations, ferry terminals or bus stops with high-frequency service*”

defined by BART as:

“mixed-use, higher density development *adjacent to frequent transit.*”

and directed by Berkeley’s General Plan to:

“[e]ncourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in *areas with above-average transit service* such as Downtown Berkeley.”

This perspective pre-supposes that densification is not a serious goal beyond existing heavily used transit corridors, or beyond cities that are already dense. Plan Bay Area forecasts the need for 800,000 new housing units by 2040. It seems doubtful that so much new housing can be built only around existing transit lines. Recent state legislation for infill housing fell victim to this kind of limited thinking.

In other parts of the world, TOD includes community scale planning with new transit service in mind, not just placing new homes near existing heavily used transit. We need to expand the mindset of housing development in the Bay Area to one of transit *coordinated* development (TCD). We need suburban infill housing developed in concert with public transit strategies, and educational, recreational and commercial services. Infill housing and transit alone do not address human needs for social, commercial and fitness activities. Enhancement of ecological surroundings is also important. A comprehensive TCD approach would improve the quality of life in many ways, serve as an attractor to development and significantly reduce GHG emissions.

Note that a substantial amount of new housing units in the suburbs will need to be subsidized for the reasons described above. Affordable and workforce housing is critical for every Bay Area city and county. Plan Bay Area has set forth affordable housing goals for the whole region, but so far every city is failing. Taking a comprehensive TCD approach would make such infill projects more relevant and attractive to existing residents.

One action cities such as Berkeley can take is to change zoning restrictions to eliminate R-1 zoning. Berkeley's General Plan institutionalizes R-1 low density housing:

"These areas are generally characterized by single-family homes. Appropriate uses for these areas include: residential, community services, schools, home occupations, recreational uses, and open space and institutional facilities. Building intensity will range from one to 10 dwelling units per net acre, not including secondary units, and the *population density will generally not exceed 22 persons per acre.*"[Emphasis added.]

The recent move to allow Accessory Dwelling Units is too restrictive to increase density to the extent needed on the land that is most available. It also preserves privilege, in failing to foster home ownership for additional residents.

Berkeley's R-1 zoning is visually correlated with the legacy of red-lining. Its perpetuation restricts growth in areas with the most open land that could support densification. There is quite a lot of aging housing stock in the Berkeley that needs significant renovation, including in R-1 zones. Under current policies, large houses in R-1 cannot be subdivided to allow for more occupants. As a result when modernized they grow larger and more luxurious, a sort of "deep gentrification." It's well documented, but rarely acknowledged, that such consumption drives GHG emission increases.

If the zoning was changed and subsidies provided, we could see small scale condo development like is happening in areas with higher density zoning, and much lower average household CO2e emissions because all the infill would be natural gas free as well as house more people. We could also reverse gentrification and truly become a city that prioritizes diversity. Increased density in R-1 areas would facilitate increased transit service and car sharing, and reduce congestion in shopping corridors. The fact is, many people actually spend little free time in their homes and gardens, preferring to recreate elsewhere, and even when self or contractually employed, preferring to go to work spaces and coffee shops with other people. Children in R-1 zones don't generally play in their neighborhoods, but are shuttled daily to many activities, increasing VMT. Densifying housing in R-1 areas could eventually prompt further zoning changes along the more major roads already served by public transit leading to infill services and commercial development there as well such as the two small and well used commercial districts in Kensington. The result could very well be both environmentally preferable and lead to an increase in our city-wide happiness quotient. Human happiness is correlated with low economic disparity. Our zoning ordinances should be reviewed to see how they amplify disparity and/or inhibit community happiness and act as a bias toward creating GHGs.

VII.3. Low Emissions Public Transportation Infrastructure

Public Transportation Recommendations

The Energy Commission would like to coordinate recommendations with the Transportation and Public Works Commissions for accelerating a reduction in fossil fuel vehicles in Berkeley. To begin the process, the Energy Commission makes the following recommendations.

1. Work with AC Transit to convert all public transit to EVs.
2. Work with AC Transit and major employers to expand existing bus service and add all manner of appropriately sized bus and shuttle services, including into the suburbs.
3. Work to create dedicated bus/shuttle-only lanes on all bridges, freeways and major streets.
4. Work to normalize ride sharing.
5. Work with MTC, regional transit providers and the state to augment subsidies such that public transit is affordable for all.
6. Lobby the state to regulate ride hailing services to reduce overall per capita VMT.

Discussion

MTC distributes enormous sums of money and wields huge power over regional transportation decisions but has not seriously addressed how the region can mitigate climate pollutants from transportation. As a start we need to press MTC to set clean transportation goals commensurate with the damage to our climate that dirty transportation has wrought and the urgency to make drastic emission cuts by 2030. The goal setting process must include a planning document showing the path to take, and policy commitment to achieve the goals.

The Bay Area's freeways are already some of the most crowded in the nation. As housing affordability has worsened, more people are commuting farther distances to their Bay Area jobs. According to MTC, time spent in weekly traffic in the Bay Area shot up 80% between 2010 and 2016. All this traffic is increasing transportation emissions, with no end in sight. Clearly there is a need for increased transportation options, and they need to be carbon free. To expand clean public transits as quickly as possible, light rail is not likely to play a large role. EV buses and shuttles can be built and routed in the time frame we need.

Given the number of tech workers (living all over the region, including the suburbs) who now take buses to their jobs, it is clear that old ideas about who will use bus transit is completely obsolete.

Like housing, transportation is an equity issue. All driving services, public or private, should be required to provide a living wage to drivers. Likewise, we cannot expand public transportation services without massive investment to assure affordability for all. This is a wealthy region that can afford such investments. Significant wealth generated

in this region is also sent to Sacramento. We need the state to assist in subsidizing the transition to clean, affordable public transit available to all.

On June 12, the Berkeley City Council also passed item 49 “Declaration of a Climate Emergency” which refers “to the Energy Commission to study and report back to Council on a path for Berkeley to become a “Carbon Sink” as quickly as possible, and to propose a deadline for Berkeley to achieve this goal.”

Carbon Sink Recommendations

1. Plant more trees.
2. Apply compost (and biochar where possible) to city parks, median strips and generally all planted areas.
3. Support use of low carbon construction materials both in municipal buildings and commercial and residential projects.
4. Support urban farming: for example through recently adopted urban farming policies and also planting suitable edible perennials in public spaces.
5. Support citywide programs, such as the Ecology Center’s farmers market program, that give all residents access to fresh, organic, regionally grown foods.

Discussion

Carbon sequestration is an essential component of comprehensive state, national and global efforts to meet climate change reduction goals. The October 9, 2018 UN IPCC report recommends that at least 1000 gigatons of CO₂ be removed from the atmosphere and sequestered by the end of the century. A wide range of strategies are being looked at to remove and sequester atmospheric carbon. The most promising strategies, biological sequestration, rely on natural processes, including afforestation and carbon farming. The California Air Resources Board is already providing Cap and Trade funds to support and expand these promising approaches to carbon sequestration.

Because of the density of habitation, Berkeley is unlikely to be able to be a carbon sink until annual emissions have been reduced by about 99%. Citywide CO₂ emissions totaled 640,000 metric tons in 2015. With roughly 6 square miles of space not covered with buildings and roads, only a very small fraction of these annual emissions could be offset with biological sequestration.¹⁴

¹⁴ Background for Carbon Sink section:

Carbon sequestering buildings: While using rapidly renewable materials such as wood, straw and bamboo can sequester carbon in buildings, the amount is quickly offset by the vastly greater energy intensity of metals, plastics and concrete required in taller buildings and

While not having significant climate benefits, carbon sequestering strategies such as afforestation and application of biochar to the soil can have health and resilience benefits for the city residents improving air quality and local sources of food.

seismically active zones. In Berkeley, the effects of low carbon footprint construction can at best lower the carbon footprint of an individual building, which is important. However, it cannot provide a means to offset carbon emissions in the city generally.

Biological sequestration in soil: It is practical to sequester carbon from the atmosphere in two ways, changing farming practices to capture more carbon in soils, and reversing deforestation. (It is also possible to capture CO₂ from the air but because of the low concentration of CO₂ in the air, the cost is prohibitive. Sequestering the captured CO₂ is also expensive, , requiring either mineralization or pressurization in a natural cavern (think Aliso Canyon) which is not present in Berkeley.)

Berkeley is 10.5 square miles. If 40% is impervious surfaces, then approximately 6.3 square miles would be available for carbon sequestration.

(https://en.wikipedia.org/wiki/Impervious_surface#Total_impervious_area) If the City and its residents were to implement ambitious carbon building land management practices, the land could optimistically sequester 2 metric tons of CO₂ per acre annually or about 8000 metric tons of CO₂.(Soil Carbon Restoration: Can Biology do the Job? by Jack Kittredge, policy director, NOFA/Mass www.nofamass.org August 14, 2015) This compares to annual emissions of approximately 640,000 metric tons.

Purchasing carbon offsets: Carbon offsets cost between \$5.50 and \$29 per ton of CO₂. Taking the average, it would cost \$1.1 mill to offset 640,000 metric tons or about \$90 per resident. (<https://www.whatitcosts.com/carbon-offsets-cost-prices/>) However, purchasing carbon offsets should be discouraged since it transfers money away from Berkeley without addressing our local objective of becoming fossil free.



Housing Advisory Commission

ACTION CALENDAR

May 14, 2019

To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission

Submitted by: Xavier Johnson, Chairperson, Housing Advisory Commission

Subject: Recommendations Related to Code Enforcement Actions and Leonard Powell Fact Finding

RECOMMENDATION

Establish policies that will provide housing stability for homeowners and tenants. The City Council should set in place clear, objective, and equitable standards for conducting code enforcement actions and ensure that due process rights of affected homeowners and/or tenants are preserved.

Commission a formal fact-finding process to ascertain what occurred in the matter of Mr. Leonard Powell. It should also refer this matter to the City Auditor. The fact finding should, among other things, focus on any actions taken by the Receiver in the case of Mr. Powell and any communications that the City has had with the Receiver. The HAC recognizes that additional steps may be necessary in regard to this matter, and may forward additional recommendations to the City Council at a later date.

FISCAL IMPACTS OF RECOMMENDATION

Staff time.

CURRENT SITUATION AND ITS EFFECTS

Several years ago, the City of Berkeley's code enforcement department was alerted to possible code violations at 1911 Harmon St. owned by Leonard Powell. The City requested that Mr. Powell address these violations. Although Mr. Powell arranged for some work to be done (and received a \$100,000 loan from the City's Senior and Disabled Home Rehabilitation Program) to do this work, not all of the violations cited by the City were addressed. Since Mr. Powell did not correct all the violations, the City petitioned the court to appoint a receiver to bring the house into code compliance. However, many more repairs were made, bringing the total costs to over \$600,000.

The house is now certified by the City for occupancy. However, Mr. Powell faces additional costs which exceed the amount that was provided to him through public loans.

BACKGROUND

Mr. Powell, a veteran and retired U.S. Postal worker had purchased the house at 1911 Harmon Street over forty years ago as a home for himself and family. Since purchasing the duplex house, which Mr. Powell converted to a single family home, there had been no major repairs made by him. The conversion from a duplex to a single family home was done without permits and inspections.

Mr. Powell's situation has triggered public concern that he has not been treated fairly, and concerns of inequitable treatment of a Berkeley resident have been raised. The HAC believes that more fact finding will be very beneficial for the Berkeley community for three main reasons. (1) What triggered the code enforcement actions specifically against Mr. Powell, when in fact, there are many single family homes in various neighborhoods throughout the City (including the hills) that lack code compliance? (2) How did costs increase so quickly, so that the costs of repair are almost equivalent to the costs of new construction (excluding land)? (3) How can lower- and moderate-income households be protected from displacement if similar code enforcement actions are taken by the City and if these owners do not have access to financing to address these violations?

The Housing Advisory Action adopted the following motion at its March 7, 2019 meeting:

Action: M/S/C (Tregub/Wolfe) to recommend to City Council that it set in place the policies that would provide housing stability for homeowners and tenants. The City Council should set in place clear, objective, and equitable standards for conducting code enforcement actions and ensure that due process rights of affected homeowners and/or tenants are preserved. In addition, the HAC recommends that the City Council commission a formal fact-finding process to ascertain what occurred in the matter of Mr. Powell. It should also refer this matter to the City Auditor. The fact finding should, among other things, focus on any actions taken by the Receiver in the case of Mr. Powell and any communications that the City has had with the Receiver. The HAC recognizes that additional steps may be necessary in regard to this matter, and may forward additional recommendations to the City Council at a later date.

Vote: Ayes: Abdesahian, Johnson, Sharenko, Simon-Weisberg, Tregub, Wolfe and Wright. Noes: None. Abstain: Lord. Absent: Owens (excused) and Sargent (excused).

ENVIRONMENTAL SUSTAINABILITY

This recommendation to undertake fact finding into what happened at 1911 Harmon Street does not impact the environment directly. However, if this recommendation ultimately reduces displacement, then this could contribute to reductions in vehicle miles traveled and greenhouse gas emission reductions.

RATIONALE FOR RECOMMENDATION

This recommendation is an important complement to ongoing local, regional, and state efforts to prevent displacement due to code violations that exceed households' abilities to pay. Both renters and homeowners can be negatively impacted by these code violations. Therefore efforts to address them in a constructive and expeditious manner would be consistent with the HAC's and City of Berkeley's other ongoing priorities.

ALTERNATIVE ACTIONS CONSIDERED

The Housing Advisory Commission will be examining ways to assist lower- and moderate-income homeowners in the future whose homes have code violations, but who lack the financing to abate all the violations in a timely manner.

CITY MANAGER

See companion report.

CONTACT PERSON

Mike Uberti, Acting Commission Secretary, HHCS, (510) 981-5114



Peace and Justice Commission

ACTION CALENDAR

May 14, 2019

To: Honorable Mayor and Members of the City Council

From: Peace and Justice Commission

Submitted by: Igor Tregub, Chairperson, Housing Advisory Commission

Subject: Recommendation to Bring Justice to Mr. Leonard Powell and to Change Certain Policies to Ensure Housing Stability for Homeowners and Tenants

RECOMMENDATION

The Peace and Justice (PJC) recommends that the Berkeley City Council take the following actions:

The Peace and Justice Commission (PJC) recommends that the City Council send a letter to the Superior Court Judge overseeing Mr. Leonard Powell's receivership case thanking him for the fairness and justice of his decision to deny the Bay Area Receivership Group's ongoing requests to sell Mr. Powell's home, and allowing Mr. Powell and his friends and family time to make the necessary financial arrangements.

PJC also recommends to the Berkeley City Council that it set in place the following policies that would provide housing stability for homeowners. In particular, when legal action is being attempted by the City as a result of code enforcement violations, the following practices should be put into place:

1. Punitive actions such as eviction, substantial fines, or placing an individual into legal guardianship, or receivership that are likely to result in the permanent displacement of a homeowner or their low-income tenants presently occupying or renting their home is the very last resort that city staff should take. It should only be conducted if all other attempts to resolve the situation have been unsuccessful; and should only be a response to severe code enforcement violations that cause immediate danger to life safety or have been determined by a quasi-judicial body (e.g., Zoning Adjustments Board, City Council) to endanger the health and safety of the immediate neighbors.
2. The Mayor, and Councilmember representing the district of the address in question, and Housing Advisory Commission are notified of their constituent's name (if allowed by applicable privacy laws), address, the nature of the alleged

code violations, and a report detailing the status of the matter and any past, ongoing, and anticipated future attempts to resolve the matter; and

3. The City shall explore the use of anti-displacement funds to assist *low-income* homeowners and/or tenants residing on the premises with legal matters of *forced* relocation, expenses, and/or other needs as applicable and appropriate.
4. Establish a policy that code enforcement should aim to improve the safety and security of the property for its current residents and their neighbors.
5. “Reimburse” Mr. Powell, Friends of Adeline and NAACP by placing an amount not to exceed \$68,000 raised privately to pay for Receivers legal and administrative fees. These parties may collectively determine how to best use these funds.

FISCAL IMPACTS OF RECOMMENDATION

Staff time and up to \$68,000 if recommendation (5) above is adopted.

CURRENT SITUATION AND ITS EFFECTS

Several years ago, the City of Berkeley’s code enforcement department was alerted to possible code violations at 1911 Harmon St. owned by Leonard Powell. The City requested that Mr. Powell address these violations. Although Mr. Powell arranged for some work to be done (and received a \$100,000 loan from the City’s Senior and Disabled Home Rehabilitation Program) to do this work, not all of the violations cited by the City were addressed. Since Mr. Powell did not correct all the violations, the City petitioned the court to appoint a receiver to bring the house into code compliance. However, many more repairs were made, bringing the total costs to over \$600,000.

The house is now certified by the City for occupancy. However, Mr. Powell faces additional costs which exceed the amount that was provided to him through public loans.

BACKGROUND

At its regularly scheduled March 4, 2019 meeting, the PJC took the following action:

Action: To authorize the Chair to draft proposed letter from the Council to the judge and adopt recommendations to council as amended

Motion by: Lippman

Seconded by: Bohn

Ayes: al-Bazian, Bohn, Chen, Gussmann, Lippman, Maran, Meola, Morizawa, Pierce, Rodriguez, Tregub

Noes: None

Abstain: None

Absent: Han, Pancoast

Mr. Powell, a veteran and retired U.S. Postal worker had purchased the house at 1911 Harmon Street over forty years ago as a home for himself and family. Since purchasing the duplex house, which Mr. Powell converted to a single family home, there had been no major repairs made by him. The conversion from a duplex to a single family home was done without permits and inspections.

Mr. Powell's situation has triggered public concern that he has not been treated fairly, and concerns of inequitable treatment of a Berkeley resident have been raised. The PJC believes that more fact finding will be very beneficial for the Berkeley community for three main reasons. (1) What triggered the code enforcement actions specifically against Mr. Powell, when in fact, there are many single family homes in various neighborhoods throughout the City (including the hills) that lack code compliance? (2) How did costs increase so quickly, so that the costs of repair are almost equivalent to the costs of new construction (excluding land)? (3) How can lower- and moderate-income households be protected from displacement if similar code enforcement actions are taken by the City and if these owners do not have access to financing to address these violations? Further, the PJC feels that adoption of these recommendations would ensure that the City take steps to make Mr. Powell whole and allow him to recover possession of his property upon the abatement of any remaining code violations.

ENVIRONMENTAL SUSTAINABILITY

These recommendations do not impact the environment directly. However, if the application of these recommendations ultimately reduces displacement, then this could contribute to reductions in vehicle miles traveled and greenhouse gas emission reductions.

RATIONALE FOR RECOMMENDATION

These recommendations are an important complement to ongoing local, regional, and state efforts to prevent displacement due to code violations that exceed households' abilities to pay. They are also consistent with the Peace and Justice Commission's charter and goals.

ALTERNATIVE ACTIONS CONSIDERED

Several additional recommendations were also suggested to the PJC by community members. The PJC elected to focus only on those recommendations that it deemed to be most constructive toward the achievement of the goals enumerated above and resulting in interests that further equity and justice for Berkeley homeowners and tenants.

CITY MANAGER

See companion report.

CONTACT PERSON

Breanne Slimick, Associate Management Analyst, 981-7018

Attachments:

1. Letter to Judge Brand

**RESOLUTION
IN SUPPORT OF BRINGING JUSTICE TO MR. LEONARD POWELL AND TO
CHANGE CERTAIN POLICIES TO ENSURE HOUSING STABILITY FOR
HOMEOWNERS AND TENANTS**

Whereas Mr. Powell, a veteran and retired U.S. Postal worker had purchased the house at 1911 Harmon Street over forty years ago as a home for himself and family; and

Whereas since purchasing the duplex house, which Mr. Powell converted to a single family home, there had been no major repairs made by him; and

Whereas the conversion from a duplex to a single family home was done without permits and inspections; and

Whereas several years ago, the City of Berkeley's code enforcement department was alerted to possible code violations at 1911 Harmon St. owned by Leonard Powell; and

Whereas although Mr. Powell arranged for some work to be done (and received a \$100,000 loan from the City's Senior and Disabled Home Rehabilitation Program) to do this work, not all of the violations cited by the City were addressed; and

Whereas since Mr. Powell did not correct all the violations, the City petitioned the court to appoint a receiver to bring the house into code compliance; and

Whereas many more repairs were made than were requested, bringing the total costs to over \$600,000; and

Whereas the house is now certified by the City for occupancy; and

Whereas Mr. Powell faces additional costs which exceed the amount that was provided to him through public loans; and

Whereas Mr. Powell's situation has triggered public concern that he has not been treated fairly, and concerns of inequitable treatment of a Berkeley resident have been raised; and

Whereas at its regularly scheduled March 4, 2019 meeting, the Berkeley Peace and Justice Commission (PJC) took the following action:

Action: To authorize the Chair to draft proposed letter from the Council to the judge and adopt recommendations to council as amended

Motion by: Lippman

Seconded by: Bohn

Ayes: al-Bazian, Bohn, Chen, Gussmann, Lippman, Maran, Meola, Morizawa, Pierce, Rodriguez, Tregub

Noes: None

Abstain: None

Absent: Han, Pancoast; and

; and

Whereas the Peace and Justice Commission (PJC) recommends that the City Council send a letter to the Superior Court Judge overseeing Mr. Leonard Powell's receivership case thanking him for the fairness and justice of his decision to deny the Bay Area Receivership Group's ongoing requests to sell Mr. Powell's home, and allowing Mr. Powell and his friends and family time to make the necessary financial arrangements; and

Whereas PJC also recommends to the Berkeley City Council that it set in place the following policies that would provide housing stability for homeowners. In particular, when legal action is being attempted by the City as a result of code enforcement violations, the following practices should be put into place:

1. Punitive actions such as eviction, substantial fines, or placing an individual into legal guardianship, or receivership that are likely to result in the permanent displacement of a homeowner or their low-income tenants presently occupying or renting their home is the very last resort that city staff should take. It should only be conducted if all other attempts to resolve the situation have been unsuccessful; and should only be a response to severe code enforcement violations that cause immediate danger to life safety or have been determined by a quasi-judicial body (e.g., Zoning Adjustments Board, City Council) to endanger the health and safety of the immediate neighbors.
2. The Mayor, and Councilmember representing the district of the address in question, and Housing Advisory Commission are notified of their constituent's name (if allowed by applicable privacy laws), address, the nature of the alleged code violations, and a report detailing the status of the matter and any past, ongoing, and anticipated future attempts to resolve the matter; and
3. The City shall explore the use of anti-displacement funds to assist *low-income* homeowners and/or tenants residing on the premises with legal matters of *forced* relocation, expenses, and/or other needs as applicable and appropriate.
4. Establish a policy that code enforcement should aim to improve the safety and security of the property for its current residents and their neighbors.
5. "Reimburse" Mr. Powell, Friends of Adeline and NAACP by placing an amount not to exceed \$68,000 raised privately to pay for Receivers legal and administrative fees. These parties may collectively determine how to best use these funds; and

Now, Therefore, Be it Resolved that the Berkeley City Council adopt the actions recommended by the PJC.

[Month] [Day], 2019

The Honorable Jeffrey Brand
Judge, Alameda County Superior Court
24405 Amador Street, Department 511
Hayward, California 94544

Fax: (510) 690-2824
Email: dept511@alameda.courts.ca.gov

Re: **Mr. Leonard Powell - Alameda County Case No. RG1576267**
1911 Harmon Street
Berkeley, California

Dear Judge Brand:

The Berkeley City Council writes to express concern over the case of Mr. Leonard Powell, a longtime resident, homeowner and valued member of our community. We write to thank you for the fairness and justice of your recent decision to deny the Bay Area Receivership Group's ongoing requests to sell Mr. Powell's home, and for allowing Mr. Powell and his friends and family time to make the necessary financial arrangements. We hope to see a speedy and just resolution to this longtime case.

This case began when police accompanied by Berkeley Code Enforcement entered Mr. Powell's home during the investigation of an alleged drug crime by a family member. No criminal charges were levied. However, code violations originally estimated at between \$200,000 and \$300,000 have now ballooned to more than \$700,000, threatening Mr. Powell and his family with the loss of their home, loss of the inheritance, loss of their equity and security.

While we understand that the court appointed a receiver to correct the outstanding code violations, the work appears to have exceeded the original purpose and now the outstanding fines are too much for Mr. Powell to pay. Certainly Mr. Powell should not have let conditions deteriorate to the point of requiring such drastic action. However, given his age and limited income, we hope that you continue to exercise your discretion toward an outcome that is in the interest of justice.

Thank you for your time and consideration.

Sincerely,

Jesse Arreguin
Mayor, City of Berkeley
On behalf of the Berkeley City Council



Peace and Justice
Commission

ACTION CALENDAR
May 14, 2019

To: Honorable Mayor and Members of the City Council
 From: Peace and Justice Commission
 Submitted by: George Lippman, Chairperson, Peace and Justice Commission
 Subject: Resolution Assigning Socially Responsible Investment and Procurement advisory role to the Peace and Justice Commission

RECOMMENDATION

Adopt resolution assigning socially responsible investment and procurement advisory role to the Peace and Justice Commission.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

At its regular meeting November 19, 2018, the Peace and Justice Commission unanimously adopted the following recommendation: designate the Berkeley Peace and Justice Commission as the “Socially Responsible Investment and Procurement Advisory Body” for the City of Berkeley.

M/S/C: Lippman/Hariri
 Ayes: al-Bazian, Hariri, Lippman, Maran, Meola, Morizawa, Rodriguez
 Noes: None
 Abstain: None
 Absent: Bohn, Chen, Han, Pancoast

BACKGROUND

A community advisory role on socially responsible investing in Berkeley dates back to the anti-apartheid campaign in 1979, when the Citizens Committee on Responsible Investments was created by the City Council. In 1990, as the apartheid system began to unravel, the role was transferred to the Peace and Justice Commission by the Council. The City’s 1990 Statement of Investment Policy stated, “The Treasurer will

consult with the Peace and Justice Commission and the Government Operations Subcommittee in advance of making revisions to the Investment policy and in evaluation of new investment instruments.”

The Commission was created in 1986 in part to administer the voter-approved Nuclear Free Berkeley Act. For three decades, the Commission has reviewed waiver requests for procurement and other contracting between the City and entities involved in nuclear-related work, recommending approval or denial of the waiver requests for final decision by Council. The Commission has also played an advisory role in development and implementation of the Sweatshop-Free Berkeley Policy. In recent years the Commission has advised the Council, upon Council request, on abstention from contracting with companies involved with the border wall or other federal anti-immigrant activities.

This resolution affirms the 1990 assignment to the Commission of a consultative role with respect to social investment policy. The resolution refers to the Commission to create a Socially Responsible Investment and Procurement Subcommittee charged with evaluating businesses for social responsibility, including but not limited to inclusion, exclusion, or ranking businesses for City contracting based on such criteria. This Subcommittee will comprise members who are reflective of the diversity of the Berkeley community, including both Peace and Justice commissioners and outside experts. The Subcommittee will include and consult with individuals with expertise in socially responsible investment and procurement, other subject matter experts and City staff.

The Commission is to hold hearings on and propose to Council, within six months, an ordinance to govern the Commission’s advisory role on socially responsible investing and procurement of the City of Berkeley.

ENVIRONMENTAL SUSTAINABILITY

The Peace and Justice Commission, in its socially responsible investment and procurement advisory role, will assist the City staff in ensuring environmental concerns are reflected in the City’s investing and procurement decisions.

RATIONALE FOR RECOMMENDATION

The City’s Finance Department will continue as the lead agency for both investment and procurement decisions and implementation. This designation of the Peace and Justice Commission as the City’s Socially Responsible Investment and Procurement Advisory Body will bring an important social justice lens to these decisions.

The designation will officially add socially responsible procurement to the Commission’s mandate. Procurement decisions, including banking and other services as well as other contracts and purchases, can have even more significant impact than investment decisions, as a city’s investments in corporations are very limited.

Such decisions on how the City government invests its substantial funds, with whom it contracts, and how fairly its service providers treat their employees and their communities, are of deep concern to Berkeley's people. These issues have particular resonance for Berkeley's communities of color, immigrants, women, LGBTQI people, workers, the disabled, those concerned with the environment and religious freedom, and others. Involvement by these communities in decisions about investment and procurement will strengthen the City's process and foster social justice in its outcomes.

ALTERNATIVE ACTIONS CONSIDERED

The Commission considered incorporating all discussion on socially responsible investing and procurement into the full Commission meetings, but decided that a subcommittee including relevant expertise and greater community involvement would produce recommendations of higher quality.

Another alternative considered was to create an independent committee patterned on the 1979 Citizens Committee for Responsible Investment. The Commission felt that utilizing the existing commission structure would be preferable.

CITY MANAGER

See companion report.

CONTACT PERSON

George Lippman, Chairperson, Peace and Justice Commission

Breanne Slimick, Commission Secretary, (510) 981-7018

Attachments: 1

RESOLUTION

Declaring the Berkeley Peace and Justice Commission be designated the City's Socially Responsible Investment and Procurement Advisory Body.

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code section 3.68.070, Function A); and

WHEREAS, the Peace and Justice Commission mandate, as amended in 1990, includes Function K of BMC section 3.68.070: "Assist the Director of Finance in the annual evaluation of financial institutions for qualification of City investments; complete development and assist in the implementation of a linked deposit program; encourage target investments; coordinate with City agencies, appropriate community organizations, public and private investors, and the Governor's Public Investment Task Force; and advise the City Council on matters relating to the responsible investment of public funds in accordance with the responsible investment policy established by Resolution No. 55,141A-NS;" and

WHEREAS, the Peace and Justice Commission mandate includes Function L of BMC section 3.68.070: "Perform such other functions and duties as may be directed by the City Council or prescribed or authorized by any ordinance of the City, and such other functions and duties not prohibited by City Council which the commission should decide are consistent with its overall function of promoting peace and social justice;" and

WHEREAS, the "Socially Responsible Investment Policy" was passed by the Council, January 16, 1990 as Resolution #55,141A-N.S., "Adopting the Statement of Investments Policy presented by the Director of Finance as amended to include the recommendations of Peace and Justice Commission"; and

WHEREAS, the UN Human Rights Council unanimously endorsed the UN Guiding Principles on Business and Human Rights in 2011,¹ and this framework is the authoritative global standard on business and human rights, setting the expectations of states and companies about how to prevent and address negative impacts on human rights by business; and

WHEREAS, the City of Berkeley requires consistent overview of responsible investment and procurement policies, including policies relating to banking services;

¹ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf and <https://www.unglobalcompact.org/> (Small businesses may be given a waiver from these requirements.) Note that in 2018, the U.S. government withdrew from the Human Rights Council.

THEREFORE BE IT RESOLVED that the Council of the City of Berkeley designates the Peace and Justice Commission as the Socially Responsible Investment and Procurement advisory body for the City of Berkeley, and requests the Peace and Justice Commission create a Socially Responsible Investment and Procurement Subcommittee charged with evaluating businesses for social responsibility, including but not limited to inclusion, exclusion, or ranking businesses for City contracting based on such criteria; and

BE IT FURTHER RESOLVED that the Socially Responsible Investment and Procurement Subcommittee will draft and the Peace and Justice Commission will hold hearings on and propose to Council an ordinance to govern the Commission's advisory role on socially responsible investing and procurement of the City of Berkeley; this proposed ordinance shall be submitted to the City Council within six months of the passage of this resolution; and

BE IT FURTHER RESOLVED that the Socially Responsible Investment and Procurement Subcommittee will consider "the goal of creating a world community in which the relations between people are based on equality, respect for human rights, and the abhorrence of exploitation and all forms of oppression [universal human rights]" [BMC section 3.68.030] for the evaluation of municipal investments and procurement, and community values for the evaluation of banking and other services.

A. Universal Human Rights include but are not limited to the rights listed in the International Bill of Human Rights, meaning the rights in the [Universal Declaration of Human Rights](#),² as codified in the [International Covenant on Civil and Political Rights](#)³ and the [International Covenant on Economic, Social and Cultural Rights](#);⁴ and the rights listed under International Humanitarian Law treaties and the rights in the International Labor Organizations' [Declaration on Fundamental Principles and Rights at Work](#).⁵ These include but are not limited to concern for:

- 1) Social rights, including racial justice, the rights of indigenous people and LGBTQI people
- 2) Labor rights, including the prohibition of sweat labor and child labor
- 3) The rights of incarcerated people and people under a belligerent occupation
- 5) Rights of women and girls, including equal pay
- 6) Immigrant rights
- 7) Environmental justice
- 8) Civil and political rights
- 8) Rights of persons with disabilities
- 9) Rights of religious minorities

² <http://www.un.org/en/universal-declaration-human-rights/index.html>

³ <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

⁴ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

⁵ <http://www.ilo.org/declaration/lang--en/index.htm>

10) Health and safety

B. Corporate Responsibility includes, but is not limited to concerns about:

- 1) Local banking and presence
- 2) Underserved communities and neighborhoods
- 2) Corporate market behavior
- 3) Corporate good citizenship and tax avoidance
- 4) Corporate ethics and governance
- 5) Community investment; and

BE IT FURTHER RESOLVED that the Socially Responsible Investment and Procurement Subcommittee will comprise members who are reflective of the diversity of the Berkeley community, including both Peace and Justice commissioners and outside experts, and the number of members, the qualifications, and length of service will be established in the above ordinance;

BE IT FURTHER RESOLVED that the Socially Responsible Investments and Procurement Subcommittee has the authority and will endeavor to include or consult with individuals with expertise in socially responsible investment and procurement, other subject matter experts and City staff; and

BE IT FURTHER RESOLVED that while the Socially Responsible Investments and Procurement Subcommittee engages in development of the above ordinance, it will begin work immediately to review the City's investments and procurement strategy and processes, and to advise the City Council and the City Manager and Director of Finance.



Sugar-Sweetened Beverage
Product Panel of Experts
(SSBPPE) Commission

ACTION CALENDAR

May 14, 2019

To: Honorable Mayor and Members of the City Council

From: Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission

Submitted by: Poki Namkung, Chairperson, SSBPPE Commission

Subject: Grant Allocation: Approve Funding Recommendation for Programs to Reduce Consumption of Sugar-Sweetened Beverages (SSBs)

RECOMMENDATIONS

Approve the SSBPPE Commission's recommendations and adopt twelve (12) Resolutions authorizing the City Manager or her designee to enter into contracts with the Berkeley Unified School District and the Community Based Organizations (CBOs) listed below to distribute a total of \$3,800,000 for FY 2020 and FY 2021 according to the schedule below and to also provide \$950,000 to the City of Berkeley Public Health Division (BPHD) during the same period to support administering and enhancing this program as approved by the Berkeley City Council as follows:

1. \$1,900,000 total grant to **Berkeley Unified School District** to implement the *Gardening and Cooking Program* for FY 2020 and FY 2021 to be disbursed as follows--\$950,000 for FY 2020 and \$950,000 for FY 2021.
2. \$285,000 total grant to the **Ecology Center** to implement *For Thirst, Water First!* program for FY 2020 and FY 2021 to be disbursed as follows--\$142,500 in FY 2020 and \$142,500 in FY 2021.
3. \$590,000 grant to **Healthy Black Families** to implement *Thirsty for Change!* (T4C) program for FY 2020 and FY 2021 to be disbursed as follows--\$295,000 in FY 2020 and \$295,000 in FY 2021.
4. \$30,000 grant to the **Multicultural Institute** to implement the *Life Skills/Day Laborer Program: Health Activity* program for FY 2020 and FY 2021 to be disbursed as follows: \$15,000 in FY 2020 and \$15,000 in FY 2021.
5. \$140,000 grant to the **YMCA of the East Bay** to implement the *YMCA Diabetes Prevention* (YDPP) program for FY 2020 and FY 2021 to be disbursed as follows: \$70,000 in FY 2020 and \$70,000 in FY 2021.

6. \$170,000 grant to the **YMCA of the East Bay** to implement the *YMCA Healthy Me!* program for FY 2020 and FY 2021 to be disbursed as follows: \$85,000 in FY 2020 and \$85,000 in FY 2021.
7. \$270,000 grant to **Lifelong Medical Care** to implement the *Chronic Disease and Oral Health Prevention Project* for FY 2020 and FY 2021 to be disbursed as follows: \$135,000 in FY 2020, and \$135,000 in FY 2021.
8. \$80,000 grant to **Spiral Garden** to implement the *Spiral Gardens Community Food Security Project* for FY 2020 and FY 2021 to be disbursed as follows: \$40,000 in FY 2020, and \$40,000 in FY 2021.
9. \$32,792 grant to **Fresh Approach** to implement the *Veggie Rx Program for Healthy Foods and Beverages* program for FY 2020 and FY 2021 to be disbursed as follows: \$16,396 in FY 2020, and \$16,396 in FY 2021.
10. \$135,880 grant to **Bay Area Community Resources** to implement the *Healthy Options at Point of Sale* program for FY 2020 and FY 2021 to be disbursed as follows: \$67,940 in FY 2020, and \$67,940 in FY 2021.
11. \$69,328 grant to **Community Health Education Institute** to implement the *Artists Against Soda* program for FY 2020 and FY 2021 to be disbursed as follows: \$34,664 in FY 2020, and \$34,664 in FY 2021.
12. \$97,000 grant to **Berkeley Youth Alternatives** to implement the *Urban Agriculture and Team Nutrition Program* for FY 2020 and FY 2021 to be disbursed as follows: \$48,500 in FY 2020 and \$48,500 in FY2021.
13. \$950,000 to the **City of Berkeley Public Health Division (BPHD)** to support the SSBPPE Commission and assist with outside evaluations to be disbursed as follows: \$475,000 in FY 2020 and \$475,000 in FY 2021 with 10% of those funds in both years designated for a media campaign.
14. The Commission recommends that indirect or administrative expenses not exceed 15% of the program budget and that these funds not be used to supplant any other source of funding.
15. The Commission recommends that City Council authorize the City Manager to authorize advances for BUSD and the selected community agencies receiving funds in FY 2020 and FY2021. The advances are to be equivalent to 25% of the agency's allocation.

SUMMARY

The SSBPPE Commission asks the City Council to approve and authorize distribution of \$4,750,000 for FY 2020 and FY 2021 allocated for community-based agencies under Project Code HHHSSB1901 as follows:

1. \$1,900,000 total grant to **Berkeley Unified School District** to implement the *Gardening and Cooking Program* for FY 2020 and FY 2021 to be disbursed as follows--\$950,000 for FY 2020 and \$950,000 for FY 2021 that will:
 - a. Increase awareness and knowledge about the health impacts of consuming SSBs;
 - b. Improve access to water;
 - c. Increase family engagement;
 - d. Subcontract with 18 Reasons to implement the *Cooking Matters* program: \$100,000 to be disbursed in FY 2020 (\$50,000) and FY 2021 (\$50,000) that will:
 - i. Advocate for all BUSD schools to adopt healthy policies for fundraising, celebrations, and sporting events.
 - ii. Train 5 Early Childhood Education teachers to be Health Promoters in order to facilitate *Cooking Matters* programs in their own communities with at least 400 participants participating in the series and tour programs; and
 - iii. Expand and strengthen outreach to licensed family child care homes in South and West Berkeley.
2. \$285,000 grant to the **Ecology Center** to implement *For Thirst, Water First!* Program to be disbursed in FY 2020 (\$142,500) and FY 2021 (\$142,500) that will:
 - a. Increase capacity of Berkeley High School's Universal 9th Grade curriculum to deliver nutrition activities and benefits of drinking water vs SSBs. All freshman students will receive a free water bottle (Kleen Kanteen);
 - b. Increase tap water and healthy food consumption among youth and family members; and
 - c. Develop capacity of 30 Berkeley youth to serve as spokespeople, ambassadors, and advocates of timely policy initiatives that promote the consumption of tap water and healthy foods.
3. \$590,000 grant to **Healthy Black Families** to continue the *Thirsty for Change!* Program to be disbursed in FY 2020 (\$295,000) and FY 2021 (\$295,000) that will:
 - a. Continue to partner with Center for Food, Faith and Justice (CFFJ) who will engage 180 students in monthly activities related to SSBs at B-Tech, lead 12 gardening workshops, support 6 CFFJ Fellows who will reach 720 people with Rethink Your Drink and Health Equity presentations;
 - b. Deliver "Cook Smart" and "Meal Challenge" classes, engaging 480 women and their families in farmers market tours, hands-on cooking demonstrations,

- nutrition education and customized tours of grocery stores and convenience markets;
- c. Train water ambassadors to share information about SSBs and water at events throughout the year;
 - d. Implement Voices for Change, the advocacy arm of T4C, to move beyond community education to community capacity to engage in longer term policy, systems, and/or environmental (PSE) changes; and
 - e. Promote adoption of at least 5 new policies per year to address barriers to SSB reduction at church and community events.
4. \$30,000 grant to the **Multicultural Institute** to implement the *Life Skills/Day Laborer: Health Activity Program* to be disbursed in FY 2020 (\$15,000) and FY 2021 (\$15,000) that will:
 - a. Offer cultural and language appropriate information on the serious risks of consuming SSBs to uninsured or underinsured immigrants, day laborers, and other low-income families in West Berkeley.
 - b. Provide information about health conditions related to SSBs;
 - c. Offer prevention resources, and connect families to key services for these conditions when needed; and
 - d. Create a policy to provide healthier food and beverages in their meal/snack offerings.
 5. \$270,000 grant to **Lifelong Medical Care** to implement the *Chronic Disease and Oral Health Prevention Project* to be disbursed in FY 2020 (\$135,000) and FY 2021 (\$135,000) that will:
 - a. Reach approximately 20,000 low income residents with chronic disease prevention and oral health education;
 - b. Conduct 3,250 hypertension screenings and 250 dental treatments; and
 - c. Expand opportunities to bring the Dental Van to six Heart 2 Heart events annually.
 6. \$140,000 grant to the **YMCA of the East Bay** to implement a *Diabetes Prevention Program* to be disbursed in FY 2020 (\$70,000) and FY 2021 (\$70,000) that will:
 - a. Utilize a Centers for Disease Control (CDC)-recognized curriculum to prevent type 2 diabetes and prediabetes through coaching in healthy eating, physical activity, and behavior changes for adults (18+) at high risk of developing type 2 diabetes; and
 - b. Promote systems change through partnerships with Head Start and Lifelong Medical Care.

7. \$170,000 grant to the **YMCA of the East Bay** to implement the *Healthy ME Program* to be disbursed in FY 2020 (\$85,000) and FY 2021 (\$85,000) that will:
 - a. Provide the Healthy Me Kids Music and Movement Program to all children in the YMCA, BUSD, Centro Vida, and UC Berkeley Childcare sites focusing on choosing water over SSBs combining with nutrition, fitness, hygiene, and social skills;
 - b. Provide water hydration stations (tap water is acceptable) at the 4 YMCA sites; and
 - c. Organize quarterly family engagement meetings.
8. \$69,328 grant to the **Community Health Education Institute** to implement the *Artists against Soda* program to be disbursed in FY 2020 (\$34,664) and FY 2021 (\$34,664) that will:
 - a. Advocate to the City Council on the need to adopt a city-wide policy on SSBs, meaning no procurement, no selling, no serving;
 - b. Advocate to prohibit supermarkets and grocery stores from displaying SSBs near the checkout counter and establish healthy checkout aisles in the downtown area;
 - c. Offer student created art with information on the health hazards of SSBs to replace advertising for SSBs;
 - d. Award merchants who display youth art, reduce soda space, and/or soda promotional signage with awards at City Council;
 - e. Form a Berkeley City College (BCC) Health Awareness Club to recruit student mentors to educate youth to promote the reduction of SSBs; and
 - f. Hold a downtown Berkeley art show/art awards/art contest with youth entries at BCC.
9. \$135,880 grant to **Bay Area Community Resources** to implement the *Healthy Options at Point of Sale* program to be disbursed in FY 2020 (\$67,940) and FY 2021 (\$67,940) that will:
 - a. Continue with recruitment and training of advocates to form a Berkeley Advocacy Team to increase knowledge of food justice and the role of retail food environment in contributing to diet-related disease and developing research, facilitation, and speaking skills; and
 - b. Continue and strengthen collaboration with Healthy Black Families, Alameda County Public Health Department, Center for Science in the Public Interest (CSPI), Community Health Education Institute, Ecology Center, and other CBOs to gain support for the passage of a city-wide healthy check-out policy.

10. \$80,000 grant to **Spiral Gardens** to implement the *Spiral Gardens Community Food Security Project* to be disbursed in FY 2020 (\$40,000) and FY 2021 (\$40,000) that will:
- Install water hydration station (tap water is acceptable);
 - Expand community farm engagement and production and nursery food plant production;
 - Improve outdoor classroom with more seating, shelter and improved cooking facilities for cooking demos for increased number of workshops;
 - Offer outside teachers stipends for their time; and
 - Hire a nursery growth manager to expand nursery healthy food production and income.
11. \$97,000 grant to **Berkeley Youth Alternatives** to implement the *Urban Agriculture and Team Nutrition Program* to be disbursed in FY 2020 (\$48,500) and FY 2021 (\$48,500) that will:
- Recruit, hire, and train 4 garden and nutrition youth educators to promote healthy alternatives to SSBs and conduct interactive workshops to at least 1000 children and youth;
 - Engage Youth Educators to re-launch the BYA “no-cost” Community-Supported Agriculture (CSA) Program to provide monthly boxes of fresh fruits and vegetables; and
 - Engage in a campaign to convert unused land into a community garden.
12. \$32,792 grant to **Fresh Approach** to implement *VeggieRx Program for Healthy Food and Beverages* to be disbursed in FY 2020 (\$16,396) and FY 2021 (\$16,396) that will:
- Utilizing a train-the-trainer approach with AmeriCorps volunteers to maximize the resources; and
 - Develop and institutionalize successful nutrition education classes in group settings by creating a resource kit on SSBs that will standardize education on this topic for future years and will allow evaluation of the outcomes.
13. \$950,000 to the **City of Berkeley Public Health Division** (BPHD) to support the SSBPPE Commission; assist with outside evaluations; coordinate and monitor the grant process; evaluate and enhance the *Healthy Berkeley Program*; and produce an annual report that informs the public and disseminates outcome data; to be disbursed as follows: \$475,000 in FY 2020 and \$475,000 in FY 2021 with 10% of those funds in both years designated for a media campaign. The BPHD shall use the additional funds on policy, system, and/or environmental (PSE) strategies to support and enhance the *Healthy Berkeley Program* and collaborate with the community-based organizations. The BPHD will work in partnership with

the SSBPPE Commission in a transparent and open manner to plan and strategize for the best use of these new funds (Exhibit A).

FISCAL IMPACTS OF RECOMMENDATION

There are no additional financial impacts to the City. The Council allocated \$4,750,000 from the General Fund on January 22, 2019 (Resolution No. 68,746-N.S.) for grants to BUSD cooking and gardening program and community agencies in FY 2020 and FY 2021.

CURRENT SITUATION AND ITS EFFECTS

On March 17, 2019, the SSBPPE Commission selected 12 programs from community-based organizations and the Berkeley Unified School District (BUSD) for funding recommendation. All proposals were scored using a standard set of questions for each of the nine criteria articulated in the Request for Proposals (RFP). On March 21, 2019, the SSBPPE Commission reviewed its initial recommendations and approved a final list of funding recommendations as listed above. The Commission was determined not to dilute the impact of funding by spreading the funds too thinly across programs.

BACKGROUND

In November of 2014, Berkeley voters passed Measure D, requiring both the collection of a 1 cent per ounce tax on the distribution of sugary drinks in the City of Berkeley and the convening of the Sugar Sweetened Beverage Products Panel of Experts (SSBPPE) to recommend investments to both reduce the consumption of sugary drinks as well as to address the health consequences of the consumption of sugary drinks.

On January 22, 2019, the Berkeley City Council unanimously approved Action Items 27A and 27B (Resolution No. 68,746-N.S.). Action Item 27A recommended an allocation of \$4.75 million over two years, FY 2020 and FY 2021, to fund the Healthy Berkeley Program. Action Item 27B was a companion report which accepted the SSBPPE Commission's report in 27A with consideration of attached clarifications. The clarifications included a table with tax revenues from Measure D, however, as Measure D is a General Tax, its revenues cannot be aligned dollar for dollar with the Healthy Berkeley Program and 27B offered no other fiscal recommendation.

The assumption of the SSBPPE Commission is that the Council approval of 27A and 27B meant that the Council approved the full funding amount (\$4.75 million from the General Fund) recommended by the Commission. The Commission recommended that the funds be distributed as follows:

- 1) Up to 40% of the allocated funds (\$1.9 million) to be distributed to BUSD through a grant proposal process guided by the RFP developed by the SSBPPE.
- 2) At least 40% of the allocated funds (\$1.9 million) to be distributed through an RFP process to community-based organizations consistent with the goals of the RFP.

- 3) 20% of the allocated funds (\$950,000) to be used by the Berkeley Public Health Division (BPHD) to coordinate and monitor the grant process, coordinate the overall program evaluation and produce an annual report. At least 10% of this distribution (\$95,000) is to be used for a media campaign.

On January 25, 2019 the BPHD released a Request for Proposals (RFP) soliciting program proposals from CBOs that promote reduction of consumption of SSBs and address the effects of SSB consumption on health. The RFP announcement was widely distributed to CBOs serving Berkeley.

On February 27, 2019, the City of Berkeley received proposals from 16 CBOs and BUSD. The proposals were reviewed and scored by two parallel review panels (SSBPPE Commission Review Panel and BPHD Staff Review Panel). Five Commissioners reviewed the proposals (three Commissioners recused themselves from the entire review process due to potential conflict of interest).

On March 21, 2019, the SSBPPE Commission passed a motion to forward the following funding recommendations to the Berkeley City Council:

	FY 2020	FY 2021	2 Year Total
BUSD	\$ 950,000.00	\$ 950,000.00	\$ 1,900,000.00
Ecology Center	\$ 142,500.00	\$ 142,500.00	\$ 285,000.00
Healthy Black Families	\$ 295,000.00	\$ 295,000.00	\$ 590,000.00
Multicultural Institute	\$ 15,000.00	\$ 15,000.00	\$ 30,000.00
Lifelong Medical Care	\$ 135,000.00	\$ 135,000.00	\$ 270,000.00
YMCA of the East Bay-- YDPP	\$ 70,000.00	\$ 70,000.00	\$ 140,000.00
YMCA of the East Bay —Healthy Me!	\$ 85,000.00	\$ 85,000.00	\$ 170,000.00
Berkeley Youth Alternatives	\$ 48,500.00	\$ 48,500.00	\$ 97,000.00
Spiral Garden	\$ 40,000.00	\$ 40,000.00	\$ 80,000.00
Fresh Approach	\$ 16,396.00	\$ 16,396.00	\$ 32,792.00
Bay Area Community Resources	\$ 67,940.00	\$ 67,940.00	\$ 135,880.00
Community Health Education Institute	\$ 34,664.00	\$ 34,664.00	\$ 69,328.00
City of Berkeley PHD	\$ 475,000.00	\$ 475,000.00	\$ 950,000.00
Totals	\$ 2,350,000.00	\$ 2,350,000.00	\$ 4,750,000.00

ENVIRONMENTAL SUSTAINABILITY

When the recommended allocations are implemented, the SSBPPE expects the following contributions to environmental sustainability:

1. Significant increase in awareness about health impacts of SSB consumption,
2. Increase in the number of trained youth peer educators, nutritionists, and teachers in low-income communities to reduce consumption of SSBs, and to promote healthy choices and increase consumption of Berkeley's high quality tap water, and
3. Significant reduction in access to sugary drinks in Berkeley.

RATIONALE FOR RECOMMENDATION

The Commission believes that investing \$4,750,000 in grants to CBOs, BUSD, and the BPHD will increase the City of Berkeley's likelihood of reducing the consumption of SSBs and improving the health of Berkeley children and youth, particularly those with limited resources, and communities-of-color that are most impacted by obesity, diabetes, tooth decay, and heart diseases and that are targeted by Big Soda marketing. These grants will increase the capacity of CBOs to develop and implement multi-level interventions that include education, system and/or environmental change. Excellent, on-going, peer-reviewed research has confirmed the decline in the consumption of SSBs in the most effected neighborhoods of our city from 21% the first year of the Healthy Berkeley Program to 55% the third year, a phenomenal achievement.

ALTERNATIVE ACTIONS CONSIDERED

Should the Mayor and City Council of Berkeley decide to decrease the funding for the Healthy Berkeley Program to the City Manager recommended amount of \$4,363,079 for FY 2020 and FY 2021 then the SSBPPE recommends that the City of Berkeley Public Health Division allocation of \$950,000 be decreased by \$386,921 to \$563,079. This decrease will not harm BUSD or the CBOs recommended for funding in FY 2020 and FY2021.

CITY MANAGER

See Companion Report

CONTACT PERSON

Dechen Tsering, MPH, Secretary, SSBPPE Commission, (510) 981-5394

Attachments:

- 1: Resolution: Funding Allocation to Berkeley Unified School District for the Gardening and Cooking Program
- 2: Resolution: Funding Allocation to the Ecology Center to Implement For Thirst, Water First! Program
- 3: Resolution: Funding Allocation to Healthy Black Families to Implement Thirsty For Change! Program

- 4: Resolution: Funding Allocation to Multicultural Institute to Implement the Life Skills Day Laborer: Healthy Activity Program
- 5: Resolution: Funding Allocation to YMCA of the East Bay to Implement the YMCA Diabetes Prevention and YMCA Healthy Me Programs
- 6: Resolution: Funding Allocation to Lifelong Medical Care to Implement the Chronic Disease and Oral Health Prevention Project
- 7: Resolution: Funding Allocation to Spiral Gardens to Implement the Community Food Security Project
- 8: Resolution: Funding Allocation to the Bay Area Community Resources to Implement the Healthy Options at the Point of Sale Project
- 9: Resolution: Funding Allocation to Fresh Approach to Implement VeggieRx Program for Healthy Food and Beverages
- 10: Resolution: Funding Allocation to Berkeley Youth Alternatives to Implement the Urban Agriculture and Teen Nutrition Program
- 11: Resolution: Funding Allocation to the Community Health Education Institute to Implement the Artists Against Soda Project
- 12: Resolution: Funding Allocation to the City of Berkeley Public Health Division to Implement the Healthy Berkeley Program
Exhibit A: Best Use Examples for Policy, Environmental and/or Systems Changes
- 13: Resolution: Allocation: \$4.75 Million Total for Reduction of Sugar-Sweetened Beverage Consumption Grant Program in FY 2020 and FY 2021

RESOLUTION NO. ##,###-N.S.

CONTRACT: TOTAL FUNDING ALLOCATION OF \$1,900,000 FOR FY 2020 AND
FY 2021 TO THE BERKELEY UNIFIED SCHOOL DISTRICT FOR
THE GARDENING AND COOKING PROGRAM

WHEREAS, the consumption of Sugar-Sweetened Beverages (SSBs) in Berkeley is impacting the health of the people in Berkeley; and

WHEREAS, the City Council is committed to decreasing the consumption of SSBs and mitigating the harmful impacts of SSBs on the population of Berkeley; and

WHEREAS, on January 22, 2019, the City Council allocated \$4.75 million for FY 2020 and FY 2021 toward funding two-year grants for the purpose of reducing consumption of SSBs and addressing the effects of SSB consumption on health; and

WHEREAS, a Resolution No. 68,746-N.S. included a total allocation of up to 40% of the total allocated funds to Berkeley Unified School District to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD gardening and cooking program for the period, July 1, 2019 to June 30, 2021; and

WHEREAS, a Request for Proposal (RFP) was released on January 25, 2019 and BUSD submitted a proposal in response to the RFP, which was evaluated by two separate review panels of SSBPPE Commissioners and the City of Berkeley Public Health Division staff, and determined to be responsive in meeting all aspects of the scope of the work and selection criteria and among the best selection for this contract; and

WHEREAS, funds in the total amount of \$1,900,000 to BUSD for two years (July 1, 2019 – June 30, 2021) will cover the expenses to implement the Gardening and Cooking Program to be disbursed in two equal amounts of \$950,000 each in FY 2020 and FY 2021 and will increase awareness and education about the health impacts of sugar drinks; improve access to water, increase family engagement, and encourage consumption of drinks with less/no sugar to BUSD students and their families; and

WHEREAS, the Gardening and Cooking Program requested \$872,600 annually in funding for FY 2020 and FY 2021, the additional funding amount of \$77,400 annually shall be used to enter into a subcontract of \$100,000 with the non-profit organization, 18 Reasons to implement the program, Cooking Matters in BUSD to be distributed as follows: \$50,000 per year in FY 2020 and FY 2021. Cooking Matters will: a. advocate for all BUSD schools to adopt a healthy celebrations/fundraising/sports program policy; b. train 5 Early Childhood Education teachers to be Health Promoters in order to facilitate Cooking Matters programs in their own communities with at least 400; and c. expand and strengthen outreach to licensed family child care homes in South and West Berkeley participants; and

WHEREAS, in addition to the Council's approval of the funding recommendation, the City Council action is required to authorize advances for BUSD in FY 2020 and FY2021. The advances are to be equivalent to 25% of the agency's allocation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute a contract and any amendments with Berkeley Unified School District in the total amount not to exceed \$1,900,000 for the two-year period of July 1, 2019 to June 30, 2021.

A records signature copy of the said agreement and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO. ~~##, ###~~-N.S.

CONTRACT: TOTAL FUNDING ALLOCATION OF \$285,000 FOR FY 2020 AND FY2021 TO THE ECOLOGY CENTER TO IMPLEMENT *FOR THIRST, WATER FIRST!* PROGRAM

WHEREAS, high intake of Sugar-Sweetened Beverages (SSBs) is associated with risk of Type 2 diabetes, obesity, hypertension, dental decay and coronary heart disease; and

WHEREAS, over half of California adults (55%) have either prediabetes or diabetes; and

WHEREAS, the City Council is committed to decreasing the consumption of SSBs and mitigating the harmful impacts of SSBs on the population of Berkeley; and

WHEREAS, on January 22, 2019 (Resolution No. 68,746-N.S), the City Council allocated \$4.75 million for FY 2020 and FY 2021 toward funding two-year grants for the purpose of reducing consumption of SSBs and addressing the effects of SSB consumption on health; and

WHEREAS, a Request for Proposal (RFP) for CBOs was released on January 25, 2019, and the Ecology Center submitted a proposal in response to the RFP, which was evaluated by two separate review panels of SSBPPE Commissioners and City of Berkeley Public Health Division staff, and determined to be responsive in meeting all aspects of the scope of the work and selection criteria and among the best selection for this contract; and

WHEREAS, funds in the total amount of \$285,000 to the Ecology Center for two years (July 1, 2019 – June 30, 2021) will cover the expenses to implement For Thirst, Water First! Program to be disbursed in two equal amounts of \$142,500 each in FY 2020 and FY 2021 that will: a. increase capacity of Berkeley High School's Universal 9th Grade curriculum to deliver nutrition activities and benefits of drinking water vs SSBs. All freshman students will receive a free water bottle (Kleen Kanteen); b. increase tap water and healthy food consumption among youth and family members; and c. develop capacity of 30 Berkeley youth to serve as spokespeople, ambassadors, and advocates of timely policy initiatives that promote the consumption of tap water and healthy foods; and

WHEREAS, in addition to the Council's approval of the funding recommendation, the City Council action is required to authorize advances for select community agency receiving funds in FY 2020 and FY2021. The advances are to be equivalent to 25% of the agency's allocation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or her designee, is authorized to execute a contract and any amendments with the Ecology Center in the total amount not to exceed \$285,000 for the two-year period of July 1, 2019 to June 30, 2021.

A records signature copy of the said agreement and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

CONTRACT: TOTAL FUNDING ALLOCATION OF \$590,000 FOR FY 2020 AND
FY 2021 TO HEALTHY BLACK FAMILIES FOR THE THIRSTY FOR CHANGE!
PROGRAM

WHEREAS, high intake of Sugar-Sweetened Beverages (SSBs) is associated with risk of Type 2 diabetes, obesity, hypertension, dental decay and coronary heart disease; and

WHEREAS, over half of California adults (55%) have either prediabetes or diabetes; and

WHEREAS, the City Council is committed to decreasing the consumption of SSBs and mitigating the harmful impacts of SSBs on the population of Berkeley; and

WHEREAS, on January 22, 2019 (Resolution No. 68,746-N.S), the City Council allocated \$4.75 million for FY 2020 and FY 2021 toward funding two-year grants for the purpose of reducing consumption of SSBs and addressing the effects of SSB consumption on health; and

WHEREAS, a Request for Proposal (RFP) for CBOs was released on January 25, 2019 and the Healthy Black Families submitted a proposal in response to the RFP, which was evaluated by two separate review panels of SSBPPE Commissioners and City of Berkeley Public Health Division staff members; determined to be responsive in meeting all aspects of the scope of the work and selection criteria; and stood out among the best selection for this contract; and

WHEREAS, funds in the total amount of \$590,000 to Healthy Black Families for two years (July 1, 2019 – June 30, 2021), budgeted will cover the expenses to implement Thirsty for Change! Program to be disbursed in two equal amounts of \$295,000 in FY 2020 and FY 2021 that will: a. continue to partner with Center for Food, Faith and Justice (CFFJ) who will engage 180 students in monthly activities related to SSBs at B-Tech, lead 12 gardening workshops, support 6 CFFJ Fellows who will reach 720 people with Rethink Your Drink and Health Equity presentations; b. deliver “Cook Smart” and “Meal Challenge” classes, engaging 480 women and their families in farmers market tours, hands-on cooking demonstrations, nutrition education and customized tours of grocery stores and convenience markets; c. train water ambassadors to share information about SSBs and water at events throughout the year; d. implement Voices for Change, the advocacy arm of T4C, to move beyond community education to community capacity to engage in longer term policy, systems, and/or environmental (PSE) changes; e. promote adoption of at least 5 new policies per year to address barriers to SSB reduction at church and community events; and

WHEREAS, in addition to the Council’s approval of the funding recommendation, the City Council action is required to authorize advances for select community agency receiving funds in FY 2020 and FY 2021. The advances are to be equivalent to 25% of the agency’s allocation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or her designee, is authorized to execute a contract and any amendments with Healthy Black Families in the amount not to exceed \$590,000 for the two-year period of July 1, 2019 to June 30, 2021.

A records signature copy of the said agreement and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

CONTRACT: TOTAL FUNDING ALLOCATION OF \$30,000 FOR FY 2020 AND
FY 2021 TO THE MULTICULTURAL INSTITUTE FOR THE LIFE SKILLS DAY
LABORER: HEALTH ACTIVITY PROGRAM

WHEREAS, the consumption of Sugar-Sweetened Beverages (SSBs) in Berkeley is impacting the health of the people in Berkeley; and

WHEREAS, the City Council is committed to decreasing the consumption of SSBs and mitigating the harmful impacts of SSBs on the population of Berkeley; and

WHEREAS, on January 22, 2019 (Resolution No. 68,746-N.S), the City Council allocated \$4.75 million for FY 2020 and FY 2021 toward funding two-year grants for the purpose of reducing consumption of SSBs and addressing the effects of SSB consumption on health; and

WHEREAS, a Request for Proposal (RFP) for CBOs was released on January 25, 2019, and the Multicultural Institute submitted a proposal in response to the RFP, which was evaluated by two separate review panels of SSBPPE Commissioners and Public Health Division staff members; determined to be responsive in meeting all aspects of the scope of the work and selection criteria; and stood out among the best selection for this contract; and

WHEREAS, funds in the total amount of \$30,000 to Multicultural Institute for two years (July 1, 2019 – June 30, 2021) will cover the expenses to implement Life Skills Day Laborer: Health Activity program to be disbursed in two equal amounts of \$15,000 each in FY 2020 and FY 2021 that will: a. offer cultural and language appropriate information on the serious risks of consuming sugar sweetened beverages (SSB) to uninsured/underinsured immigrants, day laborers, and other low-income families in West Berkeley; b. provide information about health conditions related to SSBs, c. offer prevention resources and connect families to key services for these conditions when needed; d. create a policy to provide healthier food and beverages in their meal/snack offerings; and

WHEREAS, in addition to the Council's approval of the funding recommendation, the City Council action is required to authorize advances for select community agency receiving funds in FY 2020 and FY 2021. The advances are to be equivalent to 25% of the agency's allocation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or her designee, is authorized to execute a contract and any amendments with Multicultural Institute in the amount not to exceed \$30,000 for the two-year period of July 1, 2019 to June 30, 2021.

A records signature copy of the said agreement and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

CONTRACT: TOTAL FUNDING ALLOCATION OF \$310,000 FOR FY 2020 AND
FY 2021 TO THE YMCA OF THE EAST BAY FOR THE YMCA DIABETES
PREVENTION AND YMCA HEALTHY ME PROGRAMS

WHEREAS, the consumption of Sugar-Sweetened Beverages (SSBs) in Berkeley is impacting the health of the people in Berkeley; and

WHEREAS, the City Council is committed to decreasing the consumption of SSBs and mitigating the harmful impacts of SSBs on the population of Berkeley; and

WHEREAS, on January 22, 2019 (Resolution No. 68,746-N.S), the City Council allocated \$4.75 million for FY 2020 and FY 2021 toward funding two-year grants for the purpose of reducing consumption of SSBs and addressing the effects of SSB consumption on health; and

WHEREAS, a Request for Proposal (RFP) for CBOs was released on January 25, 2019, and the YMCA of the Central Bay submitted a proposal in response to the RFP, which was evaluated by two separate review panels of SSBPPE Commissioners and City of Berkeley Public Health Division staff members; determined to be responsive in meeting all aspects of the scope of the work and selection criteria; and stood out among the best selection for this contract; and

WHEREAS, funds in the total amount of \$310,000 to the YMCA of the East Bay for two years (July 1, 2019 – June 30, 2021) will cover the expenses to implement the YMCA Diabetes Prevention (YDPP) and the YMCA Healthy ME (YHME) programs to be disbursed in two equal amounts of \$70,000 for YDPP and \$85,000 for YHME in FY 2020 and FY 2021 that will: a. support the YMCA's Diabetes Prevention Program by: i) utilizing a CDC-recognized curriculum to prevent type 2 diabetes and prediabetes through coaching in healthy eating, physical activity, and behavior changes for adults (18+) at high risk of developing type 2 diabetes, and ii) promote systems change through partnerships with Head Start and Lifelong Care; and b. support the YMCA Healthy ME program to: i) provide the Healthy Me Kids Music and Movement Program to all children in the YMCA, BUSD, Centro Vida, and UC Berkeley Childcare sites focusing on choosing water over SSBs combining with nutrition, fitness, hygiene, and social skills; ii) provide water hydration stations at the 4 YMCA Head Start sites; and iii) organize quarterly family engagement meetings; and

WHEREAS, in addition to the Council's approval of the funding recommendation, the City Council action is required to authorize advances for select community agency receiving funds in FY 2020 and FY 2021. The advances are to be equivalent to 25% of the agency's allocation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or her designee, is authorized to execute a contract and any amendments

with the YMCA of the East Bay in the amount not to exceed \$310,000 for the two-year period of July 1, 2019 to June 30, 2021.

A records signature copy of the said agreement and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

CONTRACT: TOTAL FUNDING ALLOCATION OF \$270,000 FOR FY 2020 AND
FY 2021 TO LIFELONG MEDICAL CARE FOR THE CHRONIC DISEASE AND ORAL
HEALTH PREVENTION PROJECT

WHEREAS, the consumption of Sugar-Sweetened Beverages (SSBs) in Berkeley is impacting the health of the people in Berkeley; and

WHEREAS, the City Council is committed to decreasing the consumption of SSBs and mitigating the harmful impacts of SSBs on the population of Berkeley; and

WHEREAS, on January 22, 2019 (Resolution No. 68,746-N.S), the City Council allocated \$4.75 million for FY 2020 and FY 2021 toward funding two-year grants for the purpose of reducing consumption of SSBs and addressing the effects of SSB consumption on health; and

WHEREAS, a Request for Proposal (RFP) for CBOs was released on January 25, 2019, and the Lifelong Medical Care submitted a proposal in response to the RFP, which was evaluated by two separate review panels of SSBPPE Commissioners and City of Berkeley Public Health Division staff members; determined to be responsive in meeting all aspects of the scope of the work and selection criteria; and stood out among the best selection for this contract; and

WHEREAS, funds in the amount of \$270,000 to Lifelong Medical Care for two years (July 1, 2019 – June 30, 2021) will cover the expenses to implement the Chronic Disease and Oral Health Prevention Project to be disbursed in two equal amounts of \$135,000 each in FY 2020 and FY 2021 developing and implementing an evidence-based dental caries prevention program that expands access to oral health screening, education and treatment for low-income Berkeley residents that will: a. reach approximately 20,000 low income residents with chronic disease prevention and oral health education; b. conduct 3,250 hypertension screenings and 250 dental treatments; and c. expand opportunities to bring the Dental Van to six Heart 2 Heart events annually; and

WHEREAS, in addition to the Council's approval of the funding recommendation, the City Council action is required to authorize advances for select community agency receiving funds in FY 2020 and FY 2021. The advances are to be equivalent to 25% of the agency's allocation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or her designee, is authorized to execute a contract and any amendments with Lifelong Medical Care in the amount not to exceed \$270,000 for the two-year period of July 1, 2019 to June 30, 2021.

A records signature copy of the said agreement and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

CONTRACT: TOTAL FUNDING ALLOCATION OF \$80,000 FOR FY 2020 AND
FY 2021 TO SPIRAL GARDENS FOR THE SPIRAL GARDENS COMMUNITY FOOD
SECURITY PROJECT

WHEREAS, the consumption of Sugar-Sweetened Beverages (SSBs) in Berkeley is impacting the health of the people in Berkeley; and

WHEREAS, the City Council is committed to decreasing the consumption of SSBs and mitigating the harmful impacts of SSBs on the population of Berkeley; and

WHEREAS, on January 22, 2019 (Resolution No. 68,746-N.S), the City Council allocated \$4.75 million for FY 2020 and FY 2021 toward funding two-year grants for the purpose of reducing consumption of SSBs and addressing the effects of SSB consumption on health; and

WHEREAS, a Request for Proposal (RFP) for CBOs was released on January 25, 2019, and the Spiral Gardens submitted a proposal in response to the RFP, which was evaluated by two separate review panels of SSBPPE Commissioners and City of Berkeley Public Health Division staff members; determined to be responsive in meeting all aspects of the scope of the work and selection criteria; and stood out among the best selection for this contract; and

WHEREAS, funds in the amount of \$80,000 to Spiral Gardens for two years (July 1, 2019 – June 30, 2021) will cover the expenses to implement the Spiral Gardens Community Food Security Project to be disbursed in two equal amounts of \$40,000 each in FY 2020 and FY 2021 that will: a. expand community farm engagement and production and nursery food plant production; b. improve outdoor classroom with more seating, shelter and improved cooking facilities for cooking demos for increased number of workshops; c. offer outside teachers stipends for their time; d. hire a nursery growth manager to expand nursery healthy food production and income; and e. install a water hydration station; and

WHEREAS, in addition to the Council's approval of the funding recommendation, the City Council action is required to authorize advances for select community agency receiving funds in FY 2020 and FY 2021. The advances are to be equivalent to 25% of the agency's allocation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or her designee, is authorized to execute a contract and any amendments with Spiral Gardens in the amount not to exceed \$80,000 for the two-year period of July 1, 2019 to June 30, 2021.

A records signature copy of the said agreement and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

CONTRACT: TOTAL FUNDING ALLOCATION OF \$135,880 FOR FY 2020 AND
FY 2021 TO BAY AREA COMMUNITY RESOURCES FOR THE HEALTHY OPTIONS
AT POINT OF SALE PROJECT

WHEREAS, the consumption of Sugar-Sweetened Beverages (SSBs) in Berkeley is impacting the health of the people in Berkeley; and

WHEREAS, the City Council is committed to decreasing the consumption of SSBs and mitigating the harmful impacts of SSBs on the population of Berkeley; and

WHEREAS, on January 22, 2019 (Resolution No. 68,746-N.S), the City Council allocated \$4.75 million for FY 2020 and FY 2021 toward funding two-year grants for the purpose of reducing consumption of SSBs and addressing the effects of SSB consumption on health; and

WHEREAS, a Request for Proposal (RFP) for CBOs was released on January 25, 2019, and the Bay Area Community Resources submitted a proposal in response to the RFP, which was evaluated by two separate review panels of SSBPPE Commissioners and the City of Berkeley Public Health Division staff members; determined to be responsive in meeting all aspects of the scope of the work and selection criteria; and stood out among the best selection for this contract; and

WHEREAS, funds in the amount of \$135,880 to Bay Area Community Resources for two years (July 1, 2019 – June 30, 2021) will cover the expenses to implement the Healthy Options at Point of Sale Project to be disbursed in two equal amounts of \$67,940 each in FY 2020 and FY 2021 that will: a. continue with recruitment and training of advocates to form a Berkeley Advocacy Team to increase knowledge of food justice and the role of retail food environment in contributing to diet-related disease and developing research, facilitation, and speaking skill; and b. continue and strengthen collaboration with Healthy Black Families, Alameda County Public Health Division, CSPI, Ecology Center, and other CBOs to gain support for the passage of a city-wide healthy check-out policy; and

WHEREAS, in addition to the Council's approval of the funding recommendation, the City Council action is required to authorize advances for select community agency receiving funds in FY 2020 and FY 2021. The advances are to be equivalent to 25% of the agency's allocation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or her designee, is authorized to execute a contract and any amendments with Bay Area Community Resources in the amount not to exceed \$135,880 for the two-year period of July 1, 2019 to June 30, 2021.

A records signature copy of the said agreement and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO. ##, ###-N.S.

CONTRACT: TOTAL FUNDING ALLOCATION OF \$32,792 FOR FY 2020 AND FY2021
TO FRESH APPROACH TO IMPLEMENT VEGGIERX PROGRAM FOR HEALTHY
FOOD AND BEVERAGES

WHEREAS, high intake of Sugar-Sweetened Beverages (SSBs) is associated with risk of Type 2 diabetes, obesity, hypertension, dental decay and coronary heart disease; and

WHEREAS, over half of California adults (55%) have either prediabetes or diabetes; and

WHEREAS, the City Council is committed to decreasing the consumption of SSBs and mitigating the harmful impacts of SSBs on the population of Berkeley; and

WHEREAS, on January 22, 2019 (Resolution No. 68,746-N.S), the City Council allocated \$4.75 million for FY 2020 and FY 2021 toward funding two-year grants for the purpose of reducing consumption of SSBs and addressing the effects of SSB consumption on health; and

WHEREAS, a Request for Proposal (RFP) for CBOs was released on January 25, 2019, and Fresh Approach submitted a proposal in response to the RFP, which was evaluated by two separate review panels of SSBPPE Commissioners and the City of Berkeley Public Health Division staff, and determined to be responsive in meeting all aspects of the scope of the work and selection criteria and among the best selection for this contract; and

WHEREAS, funds in the total amount of \$32,792 to Fresh Approach for two years (July 1, 2019 – June 30, 2021) will cover the expenses to implement VeggieRx Program for Healthy Food and Beverages to be disbursed in two equal amounts of \$16,396 each in FY 2020 and FY 2021 that will: a. utilize a train-the-trainer approach with AmeriCorps volunteers to maximize the resources; and b. develop and institutionalize successful nutrition education classes in group settings by creating a resource kit on SSBs that will standardize education on this topic for future years and will allow evaluation of the outcomes; and

WHEREAS, in addition to the Council's approval of the funding recommendation, the City Council action is required to authorize advances for select community agency receiving funds in FY 2020 and FY 2021. The advances are to be equivalent to 25% of the agency's allocation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or her designee, is authorized to execute a contract and any amendments with Fresh Approach in the total amount not to exceed \$32,792 for the two-year period of July 1, 2019 to June 30, 2021.

A records signature copy of the said agreement and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

CONTRACT: TOTAL FUNDING ALLOCATION OF \$97,000 FOR FY 2020 AND
FY 2021 TO BERKELEY YOUTH ALTERNATIVES FOR THE URBAN AGRICULTURE
AND TEEN NUTRITION PROGRAM

WHEREAS, the consumption of Sugar-Sweetened Beverages (SSBs) in Berkeley is impacting the health of the people in Berkeley; and

WHEREAS, the City Council is committed to decreasing the consumption of SSBs and mitigating the harmful impacts of SSBs on the population of Berkeley; and

WHEREAS, on January 22, 2019 (Resolution No. 68,746-N.S), the City Council allocated \$4.75 million for FY 2020 and FY 2021 toward funding two-year grants for the purpose of reducing consumption of SSBs and addressing the effects of SSB consumption on health; and

WHEREAS, a Request for Proposal (RFP) for CBOs was released on January 25, 2019, and Berkeley Youth Alternatives submitted a proposal in response to the RFP, which was evaluated by two separate review panels of SSBPPE Commissioners and the City of Berkeley Public Health Division staff members; determined to be responsive in meeting all aspects of the scope of the work and selection criteria; and stood out among the best selection for this contract; and

WHEREAS, funds in the amount of \$97,000 to Berkeley Youth Alternatives for two years (July 1, 2019 – June 30, 2021) will cover the expenses to implement the Urban Agriculture and Teen Nutrition Program to be disbursed in two equal amounts of \$48,500 each in FY 2020 and FY 2021 that will: a. recruit, hire, and train 4 garden and nutrition youth educators to promote healthy alternatives to SSBs and conduct interactive workshops to at least 1000 children and youth; b. engage Youth Educators will assist with re-launch of the BYA “no-cost” Community-Supported Agriculture (CSA) Program to provide monthly boxes of fresh fruits and vegetables; and c. advocate for environmental change to encompass the conversion of unused land adjacent to the COB Corporation Yard for community garden space; and

WHEREAS, in addition to the Council’s approval of the funding recommendation, the City Council action is required to authorize advances for select community agency receiving funds in FY 2020 and FY 2021. The advances are to be equivalent to 25% of the agency’s allocation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or her designee, is authorized to execute a contract and any amendments Berkeley Youth Alternatives in the amount not to exceed \$97,000 for the two-year period of July 1, 2019 to June 30, 2021.

A records signature copy of the said agreement and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

CONTRACT: TOTAL FUNDING ALLOCATION OF \$69,328 FOR FY 2020 AND
FY 2021 TO COMMUNITY HEALTH EDUCATION INSTITUTE FOR THE ARTISTS
AGAINST SODA PROJECT

WHEREAS, the consumption of Sugar-Sweetened Beverages (SSBs) in Berkeley is impacting the health of the people in Berkeley; and

WHEREAS, the City Council is committed to decreasing the consumption of SSBs and mitigating the harmful impacts of SSBs on the population of Berkeley; and

WHEREAS, on January 22, 2019 (Resolution No. 68,746-N.S), the City Council allocated \$4.75 million for FY 2020 and FY 2021 toward funding two-year grants for the purpose of reducing consumption of SSBs and addressing the effects of SSB consumption on health; and

WHEREAS, a Request for Proposal (RFP) for CBOs was released on January 25, 2019, and the Community Health Education Institute submitted a proposal in response to the RFP, which was evaluated by two separate review panels of SSBPPE Commissioners and the City of Berkeley Public Health Division staff members; determined to be responsive in meeting all aspects of the scope of the work and selection criteria; and stood out among the best selection for this contract; and

WHEREAS, funds in the amount of \$69,328 to the Community Health Education Institute for two years (July 1, 2019 – June 30, 2021) will cover the expenses to implement the Artists Against Soda Project to be disbursed in two equal amounts of \$34,664 each in FY 2020 and FY 2021 that will: a. advocate to the City Council on the need to adopt a city-wide policy on SSBs, meaning no procurement, no selling, no serving; b. advocate to prohibit supermarkets and grocery stores from displaying SSBs near the checkout counter and establish healthy checkout aisles in the downtown area; c. offer student created art with information on the health hazards of SSBs to replace advertising for SSBs; d. award merchants who display youth art, reduce soda space, and/or soda promotional signage with awards at City Council; e. form a Berkeley City College (BCC) Health Awareness Club to recruit student mentors to educate youth to promote the reduction of SSBs; and f. hold a downtown Berkeley art show/art awards/art contest with youth entries at BCC; and

WHEREAS, in addition to the Council's approval of the funding recommendation, the City Council action is required to authorize advances for select community agency receiving funds in FY 2020 and FY 2021. The advances are to be equivalent to 25% of the agency's allocation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or her designee, is authorized to execute a contract and any amendments

with Community Health Education Institute in the amount not to exceed \$69,328 for the two-year period of July 1, 2019 to June 30, 2021.

A records signature copy of the said agreement and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

TOTAL FUNDING ALLOCATION OF \$950,000 FOR FY 2020 AND
FY 2021 TO THE CITY OF BERKELEY PUBLIC HEALTH DIVISION TO SUPPORT
AND ENHANCE THE HEALTHY BERKELEY PROGRAM

WHEREAS, the consumption of Sugar-Sweetened Beverages (SSBs) in Berkeley is impacting the health of the people in Berkeley; and

WHEREAS, the City Council is committed to decreasing the consumption of SSBs and mitigating the harmful impacts of SSBs on the population of Berkeley; and

WHEREAS, on January 22, 2019 (Resolution No. 68,746-N.S), the City Council allocated \$4.75 million for FY 2020 and FY 2021 for the purpose of reducing consumption of SSBs and addressing the effects of SSB consumption on health with the following recommendation: direct the City Manager to utilize 20% of the allocated funds to support the City of Berkeley Public Health Division (BPHD) to coordinate and monitor the grant process; evaluate and enhance the Healthy Berkeley Program; produce an annual report that informs the public and disseminates outcome data; and manage a comprehensive and sustainable media campaign with 10% of the BPHD allocation; and

WHEREAS, the BPHD allocation of Healthy Berkeley Program funding shall not supplant any existing funding and shall be used solely in support of or to enhance the Healthy Berkeley Program; and

WHEREAS, the costs attributed to the Healthy Berkeley Program funding shall not exceed amounts allocated by City Council per fiscal year for this program; and

WHEREAS, the net increase of funding for BPHD is \$405,000 for FY 2020 and FY 2021, the BPHD shall use these additional funds on policy, system, and/or environmental (PSE) strategies, as suggested in Exhibit A of the corresponding Council Report, to support and enhance the Healthy Berkeley Program while collaborating with local CBOs and working in partnership with the SSBPPE Commission in a transparent and open manner; and

WHEREAS, funds in the amount of \$950,000 to BPHD for two years (July 1, 2019 – June 30, 2021) are to be disbursed in two equal amounts of \$475,000 each in FY 2020 and FY 2021; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or her designee, is authorized to disburse to the BPHD in the amount not to exceed \$950,000 for the two-year period of July 1, 2019 to June 30, 2021.

A records signature copy of the said agreement and any amendments to be on file in the Office of the City Clerk.

Exhibit:

A: Best Use Examples for Policy, Environmental and/or Systems Changes

EXHIBIT A:

BEST USE EXAMPLES FOR POLICY, ENVIRONMENTAL AND/OR SYSTEMS
CHANGES

Best use examples for policy, environmental and/or systems changes recommended by the SSBPPE Commission for the City of Berkeley Public Health Division include the following:

- Healthy retail strategies to support local retailers in efforts to sell healthier beverage options including but not limited to: changing marketing in windows and at checkout; offer only healthy drinks at checkout; increase the percentage of healthy beverages in the store.
- Establishing a stand to sell healthy beverages to Berkeley High School and B-tech students at lunch.
- Increasing free, clean drinking water access in parks, schools and shopping areas of Berkeley and adding drinking fountains or incentivizing businesses to offer free drinking water to customers and non-customers.
- Increase the budget for the media campaign above the 10% directed in the Council Action item #27A (1/22/19).

RESOLUTION NO. ##, ### - N.S.

ALLOCATION: \$4.75 MILLION TOTAL FOR REDUCTION OF SUGAR-SWEETENED BEVERAGE CONSUMPTION GRANT PROGRAM IN FY 2020 AND FY 2021

WHEREAS, the consumption of sugar-sweetened beverages ("SSB") in Berkeley is impacting the health of the people in Berkeley; and

WHEREAS, in FY 2018 and FY 2019, the City Council awarded a total of \$3 million upon the recommendation of the SSBPPE Commission to demonstrate the City's long-term commitment to decreasing the consumption of SSB and mitigate the harmful impacts of SSB on the population of Berkeley; and

WHEREAS, on January 22, 2019, the Berkeley City Council unanimously approved Action Items 27A and 27B (Resolution No. 68,746-N.S.), wherein Action Item 27A recommended an allocation of \$4.75 million over two years, FY 2020 and FY 2021, to fund the Healthy Berkeley Program; and

WHEREAS, Action Item 27B was a companion report which accepted the SSBPPE Commission's report in Action Item 27A and offered no other fiscal recommendation and clarified that Measure D revenues cannot be aligned dollar-for-dollar with the Healthy Berkeley Program; and

WHEREAS, many studies demonstrate that high intake of SSB is associated with risk of Type 2 Diabetes, obesity, tooth decay, and coronary heart disease; and

WHEREAS, hundreds of millions of dollars have been spent in an ongoing massive marketing campaign, which particularly targets children and people of color; and

WHEREAS, an African American resident of Berkeley is 14 times more likely than a White resident to be hospitalized for diabetes; and

WHEREAS, 40% of 9th graders in Berkeley High School are either overweight or obese; and

WHEREAS, tooth decay is the most common childhood disease, experienced by over 70% of California's 3rd graders; and

WHEREAS, in 2012, a U.S. national research team estimated levying a penny-per-ounce tax on sweetened beverages would prevent nearly 100,000 cases of heart disease, 8,000 strokes, and 26,000 deaths over the next decade and 240,000 cases of diabetes per year nationwide.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or her designee, is hereby authorized to allocate \$4.75 million from the

General Fund to be disbursed in two (2) installments of \$2.375 million in FY 2020 and \$2.375 million in FY 2021 and invested as follows:

1. Allocate up to 40% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs for the period, July 1, 2019 to June 30, 2021; and
2. Allocate at least 40% of the allocated funds through a RFP process managed by the City of Berkeley Public Health Division (BPHD) for grants to community-based organizations consistent with the SSPPE's goals to reduce the consumption of SSB and to address the effects of SSB consumption for the period July 1, 2019 to June 30, 2021; and
3. Allocate 20% of the allocated funds to support the BPHD to coordinate and monitor the grant process, coordinate the overall program evaluation, and produce an annual report that disseminates process and outcome data resulting from the SSPPE funding program. A comprehensive and sustainable media campaign that coordinates with all regional soda tax efforts will be managed by BPHD with 10% of this portion of the allocation.

A records signature copy of the said agreement and any amendments to be on file in the Office of the City Clerk.



Office of the Mayor

CONSENT CALENDAR

May 14, 2019

TO: Members of the City Council

FROM: Mayor Jesse Arreguin and Councilmember Kate Harrison

SUBJECT: Engage Professional Support to Assist City Council in Establishing a Process and Performing an Evaluation of the City Manager's Performance

RECOMMENDATION

Direct the City Manager to issue a Request for Proposal to contract with an experienced firm that will engage the City Manager and City Council in a performance evaluation of the City Manager's performance. The process should begin in July 2019 following the scheduled approval of the Biennial Budget, and result in a process for ongoing updates and establish an annual evaluation schedule.

BACKGROUND

On April 3, 2012, City Council unanimously voted to create an Ad Hoc City Manager Evaluation committee responsible for creating an evaluation process of the City Manager. On September 17, 2013, an item was submitted by Councilmember Worthington, and included on the Information Calendar, containing a report on a proposed process for city manager evaluations. This report had been presented to the Ad Hoc City Manager Evaluation Committee for consideration.

The Ad Hoc City Manager Evaluation Committee submitted a status report on the Information Calendar for the October 15, 2013 Council meeting that outlined a process, and recommended the assistance of a professional and experienced facilitator. An Extension of Term of Contract #8905B with Management Partners Inc. located in San Jose, CA was executed on October 31, 2013 to perform the scope as defined by the Ad Hoc Committee for the City Manager Evaluation. On October 29, 2013, an item was submitted by Councilmember Worthington entitled, "Establish an Annual City Manager Evaluation Policy" the item was moved to Consent and referred to the Ad Hoc City Manager Evaluation Committee to establish a policy to conduct an annual performance evaluation on any acting city manager. The item added that if an interim city manager is filling the role, an evaluation should occur six months after assuming the position. Following the closed session evaluation that occurred in early 2014, there has not been any subsequent performance evaluations of the previous or current City Manager.

City Manager Performance Evaluation
March 26, 2019

Numerous Benefits of an Annual Evaluation

Evaluations are an opportunity to improve communication between a council and city manager, establish goals and objectives, set expectations for the coming year, and improve how an organization functions, resulting in a more effective elected body. The California City Management Foundation¹ lists the following tangible benefits:

- Head off problems before they grow
- Recognize and celebrate successes
- Provide dedicated time to reflect on the working relationship
- Consider feedback that may not arise in day-to-day dealings
- Design an action plan with specific ideas
- Communicate openly and honestly without becoming personal or defensive
- Provide a timely, well-managed process
- Provide specific, useful feedback
- Develop consensus view of the manager's performance and clarity about the majority's desires regarding future performance and priorities
- Is less time consuming for governing body
- Provide everyone with an equal say
- Create a dialog less politicized and more focused on objective criteria
- Achieve consensus about a few priorities moving forward, sets goals and defines what success would look like

Overarching goals to guide priorities for the coming year can be set as a result of an evaluation process, based on what the council and city manager have each identified as priorities. These goals should include community and organizational priorities as well as relationship goals, both internal and external-public facing. The goals themselves are not part of appraising a city manager's performance. However, their professional capacity to take policy direction from the Council and implement the goals is an important ingredient in evaluation.

It is important to emphasize that the purpose of the evaluation process is to serve as a tool for organizational improvement. Establishing an annual review can improve a council's effectiveness at communicating its expectations to the city manager, and provide an opportunity for the council to reflect on its own performance. With an established schedule and process, roles and responsibilities can be refined, goals reassessed, priorities updated, and gaps in training and personal/team development needs identified.

Developing an Evaluation Process

The City Council's evaluation of the City Manager must be approached as part of an on-going process which strives to allow for a more thoughtful and effective decision-making body and more effective city management.

Importance of Third Party Facilitation

¹ Ron Gould & Jan Perkins, A Building Block to Better Performance: Using Council-Manager Goal-Setting to Support Performance Evaluation, August 2016 [Online] Available: <https://www.cacities.org/Resources-Documents/Education-and-Events-Section/MCXF/2017/How-to-Set-Goals-for-City-Manager-Performance-Eval>

City Manager Performance Evaluation
 March 26, 2019

The International County/City Management Association (ICMA) “Manager Evaluation Handbook” suggests that it is helpful to use an independent consultant to assist in preparing and performing an evaluation². ICMA also discourages Councils from conducting evaluations alone. Additionally, directly involving City staff such as city attorneys, city clerks or human resource directors is also discouraged because often these positions have either a reporting or cooperating relationship with the city manager. Involving reporting staff to an evaluation process could damage relationships that are necessary for effective and efficient operation of local government.

However, a 360-degree feedback process in which from City staff participate would be useful. The City of Berkeley would be best served to engage a consultant that would follow the best practices outlined by ICMA..

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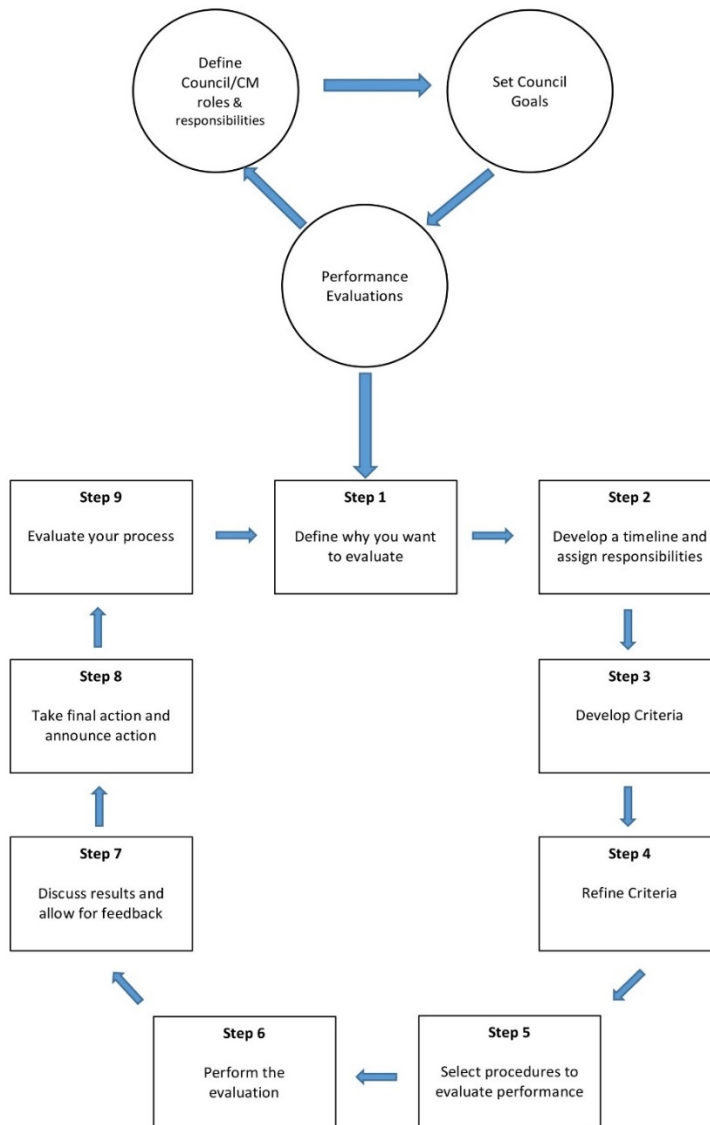
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Defining Roles

Before any evaluation takes place, a city council and the city manager should define and reach agreement on their respective roles and responsibilities. Without a clear understanding of how these are structured and function, a performance evaluation is of little value.

The City of Dover, New Hampshire created a flowchart of the performance evaluation process adapted from materials developed by the Oregon League of Cities.³

The basic process for engaging in an evaluation outlined by ICMA mirror those of the City of Dover, New Hampshire. Elements



² ICMA, Manager’s Handbook, pg. 5,6

³Dover First, A Handbook for Evaluating : <https://www.dover.nh.gov/Assets/goverprocess/Handbook%20for%20Evaluating>

City Manager Performance Evaluation
March 26, 2019

of this process were followed in the last City of Berkeley City Manager Evaluation. While the City engaged an outside consultant at that time, the Ad Hoc Committee, comprised of only three Councilmembers, defined the process and the approach was not comprehensive. Recommended components were not included and the City Council was not engaged, as a body, in goal setting discussions.

Evaluation Criteria to Consider

ICMA recognizes specific practices for effective local government management⁴ that should be included to evaluate the core competencies of city manager leadership. These 14 points of City Manager Leadership include (see Attachment A):

1. Personal and Professional Integrity
2. Community Engagement
3. Equity and Inclusion
4. Staff Effectiveness
5. Personal Resiliency and Development
6. Strategic Leadership
7. Strategic Planning
8. Policy Facilitation and Implementation
9. Community and Resident Service
10. Service Delivery
11. Technological Literacy
12. Financial Management and Budgeting
13. Human Resources Management and Workforce Engagement
14. Communication and Information Sharing

Each of these areas should be addressed individually by Councilmembers and discussed as a body; Department Heads and randomly selected City staff should be included in the City Manager evaluation. Areas specifically relating to the democratic process and citizen service and participation should be offered to the community for feedback.

Public Engagement

ICMA also suggest engaging the public in the review process by soliciting their feedback, and presenting the results of the performance at a public meeting for the following reasons:

- Public will know how the elected body evaluates and views manager
- Ensures transparency and public accountability
- Promotes ICMA's commitment to openness in government
- More opportunity to earn public trust
- Improves elected, CM and citizen relationships
- Reduces claims of "secrets" and inappropriate agreements

Rating Structure

⁴ ICMA, Practices of Effective Local Government Leadership , [Online] Available: <https://icma.org/practices-effective-local-government-leadership>

City Manager Performance Evaluation
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The National League of Cities recommends that for each criteria of the evaluation (e.g. ICMA specific practices) there is an opportunity to rate the relative importance of the criteria from the reviewer's individual perspective, as well as the performance of the City Manager.⁵ Narrative comments to provide specific examples are important supportive information. Typical ratings include:

- Needs Improvement: The employee has a developmental need in the job description
- Almost Always Meets Expectations: The employee, for the most part, does what is expected well and there are some development opportunities
- Meets Expectations: The employee consistently does what is expected to perform well
- Exceeds Expectations: The employee consistently goes above and beyond what is expected to perform well

Building Evaluation into City Budget and Annual Timeline

It is important to establish a regular pattern for City Manager evaluation.⁶ Evaluation should occur at a time of year that is less busy than others, avoiding budget preparation times and election seasons. Neglecting to undertake regular performance evaluations can lead to numerous issues, including miscommunication and misalignment with goals.

Additionally, establishing a line item in the city's administration budget for performance evaluation management will ensure that the process will be ongoing. Costs for conducting a city manager evaluation and 360-degree feedback, based on information from Palo Alto in a December 8, 2015 report to the City of Palo Alto Council CAO Committee and Draft Minutes from a Special Meeting dated March 6, 2013 of the same Council CAO Committee, range from \$90,000 to \$130,000 (in 2015-2016 dollars).

FISCAL IMPACTS

Approximately \$100,000 - \$150,000

SUSTAINABILITY

Supports City of Berkeley sustainability goals

STRATEGIC PLAN

Aligns with Goal #8: Attract and retain a talented and diverse City government workforce

CONTACT PERSON

Jesse Arreguin, Mayor 510-981-7100

ATTACHMENT A

14 Points of City Manager Leadership

⁵ Julia Novak & Catherine Tuck Parrish, Hiring and Evaluating the CEO - What Councils and Managers Need to Know, June 2017, [Online], Available: <https://www.nlc.org/sites/default/files/2017-06/Hiring%20the%20Right%20CEO.pdf>

⁶ ICMA, Manager's...Handbook, pg. 9,10



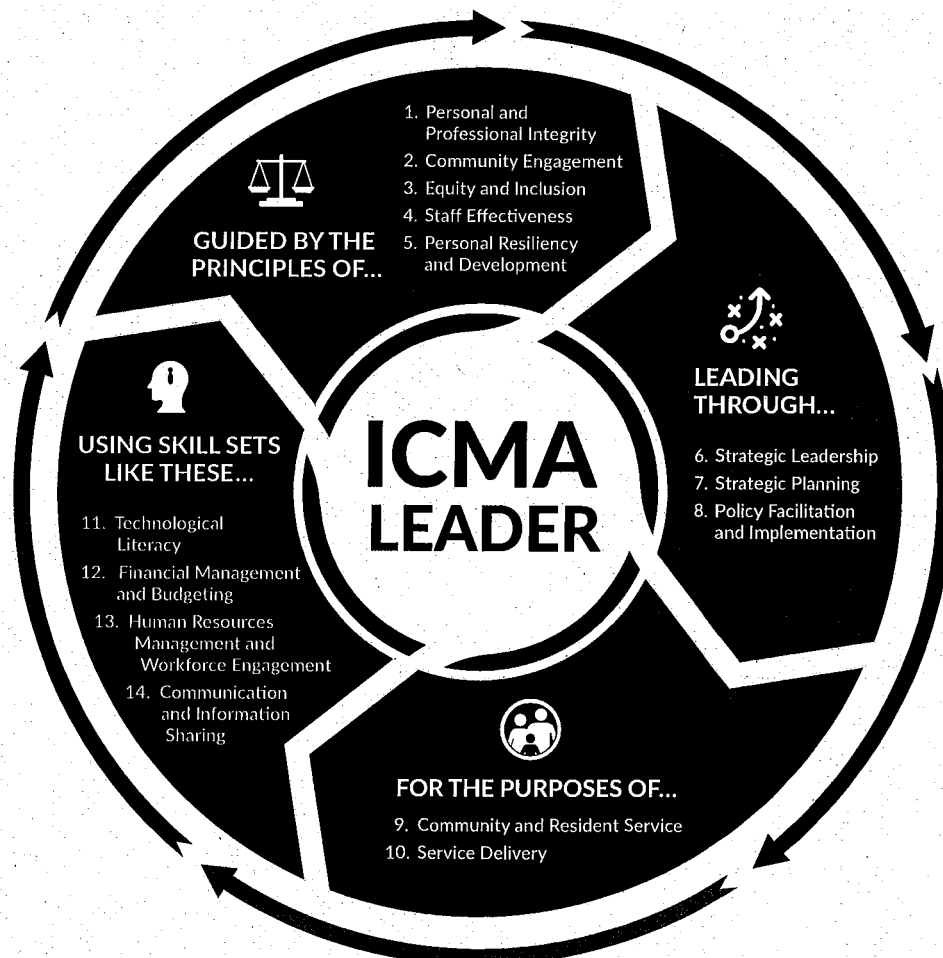
Practices for Effective Local Government Leadership

ICMA delivers the latest research in the 14 core areas critical for effective local government leadership and management.

ICMA University is the premier resource for local government leadership and management training. Our programs are designed to advance your career, enrich your community, and contribute to your professional fulfillment. ICMA's online workshops and programs bring the latest research from leading experts to your office. Our conferences and in-person workshops allow you to network with colleagues and exchange ideas. All ICMA University programs are drawn from the 14 core competencies that members have determined are essential to local government leadership and management.

ICMA's professional development programs encourage local government professionals to think in terms of leading the organization and not just managing the organization. Leadership is engaging with and inspiring others to participate in developing, achieving, articulating, and embodying a shared set of values, shared sense of purpose, and shared vision of the desired community outcome. Leadership requires professionals who are highly interpersonally competent as well as self-aware.

ICMA also recognizes the leadership role of local government managers in creating and maintaining resilient and livable communities. Through the responsible stewardship of public resources, our communities will retain the economic, environmental, and social capital needed to prosper for future generations.



1. PERSONAL AND PROFESSIONAL INTEGRITY

Being fair, honest, and ethical in all personal and professional relationships and activities

Leadership dimensions that contribute to this core content area are:

- Fostering ethical behavior throughout the organization through exemplary personal actions
- Ensuring the decision-making model reflects integrity, honesty, and openness.

Management dimensions that contribute to this core content area are:

- Conducting professional relationships and activities fairly, honestly, ethically, and in conformance with the ICMA Code of Ethics and the policies of your local government to maintain public confidence in the profession and local government
- Performing official and personal affairs in a manner that clearly conveys that you cannot be improperly influenced
- Fostering ethical behavior throughout the organization through staff training on administrative ethics and the ICMA Code of Ethics
- Holding staff accountable and instilling accountability into operations
- Communicating ethical standards and guidelines to others.

2. COMMUNITY ENGAGEMENT

Ensuring and managing community involvement in local government to support good decision making

Leadership dimensions that contribute to this core content area are:

- Building relationships among local, state, and federal elected and appointed officials to advocate for the community
- Ensuring robust public outreach in the policy-making process
- Respecting the governing body's role in setting direction and vision, and helping staff and the community understand the governing body's role in the democratic process
- Working to promote civility in public discourse
- Advocating for diverse viewpoints to be considered and helping the organization seek them out when they appear to be missing.

Management dimensions that contribute to this core content area are:

- Understanding the perspectives of elected officials and being mindful of competing public values in policy recommendations
- Learning and respecting a community's history with various political, social, and economic issues
- Engaging with and understanding the viewpoints of key stakeholders in the community; committing to ongoing communication about expectations, decisions, and outcomes
- Understanding emerging technologies that are designed to promote open dialogue between local government and constituents
- Employing a range of engagement, positive communication, and conflict resolution methods.

3. EQUITY AND INCLUSION

Creating an environment of involvement, respect, and connection of diverse ideas, backgrounds, and talent throughout the organization and the community

Leadership dimensions that contribute to this core content area are:

- Authentically bringing everyone, including traditionally excluded individuals and groups, into processes, activities, and decision making
- Taking a proactive approach to service delivery and decision making that accounts for underlying differences in opportunities, burdens, and needs, in order to equitably improve the quality of life for all.

Management dimensions that contribute to this content area are:

- Driving measures, goals, and plans around diversity, equity, and inclusion within your organization and community; communicating the vision for why and how achieving these goals will improve the organization and service delivery
- Understanding and championing sustainable support mechanisms such as affinity groups, mentoring programs, and cultural celebrations
- Educating the organization on common behaviors that advance diversity and inclusion efforts and address implicit biases
- Being aware of and acknowledging culturally significant events and holy days for employees and community members
- Creating opportunities for employees and community members to learn about each other's cultural backgrounds, lives, and interests; building relationships through increased understanding.

4. STAFF EFFECTIVENESS

Taking responsibility for the development, performance, and success of employees throughout the organization

Leadership dimensions that contribute to this core content area are:

- Energizing the team to reach a higher level of performance
- Providing the team with a sense of direction and purpose, and balancing the big picture framework with day-to-day operations
- Prioritizing collaboration and efforts that create a shared sense of success
- Being a role model and demonstrating behavior expected by others
- Developing an environment where staff are encouraged to learn new skills and try new ideas
- Developing meaningful connections with people at all levels of the organization
- Facilitating teamwork.

Management dimensions that contribute to this core content area are:

- Setting clear expectations for the organization and work groups
- Creating an empowering work environment that encourages responsibility and decision making at all organizational levels
- Delegating: assigning responsibility to others and relying on staff
- Coaching and mentoring: providing direction, support, and feedback to enable others to meet their full potential
- Conducting effective performance evaluations, reviewing success and opportunities for achievement of goals and work objectives, providing constructive feedback, and identifying others' developmental needs and available ways to address those needs
- Creating a positive atmosphere where interactions are based in respect and professionalism.

5. PERSONAL RESILIENCY AND DEVELOPMENT

Demonstrating a commitment to a balanced life through ongoing self-renewal and development in order to increase personal capacity

Leadership dimensions that contribute to this core content area are:

- Modeling healthy work habits to your employees
- Modeling a healthy lifestyle to your employees
- Actively encouraging a personal and professional growth and development mindset throughout the organization
- Seeking and providing support when career setbacks occur.

Management dimensions that contribute to this core content area are:

- Periodically establishing personal development goals

- Successfully integrating work and personal responsibilities; periodically assessing yourself and seeking input from trusted others on their assessment of your work-life balance or integration
- Continually practicing mindfulness of your stress levels
- Identifying areas where you would like to gain knowledge or skills and developing a plan to acquire those skills and knowledge.

6. STRATEGIC LEADERSHIP

Defining and communicating a vision and leveraging all resources and tools to achieve it

Leadership dimensions that contribute to this core content area are:

- Creating, conveying, and instilling a unified vision and purpose by illustrating and providing examples of what the future will look like
- Fostering a safe place to take risks and initiative; serving as an example to others by applying lessons learned to future initiatives, decision making, and risk taking
- Examining the full scope of factors that influence an issue, determining calculated risks, and developing and using relationships and interpersonal skills to build consensus
- Implementing integrated solutions to complex problems that address the needs of all stakeholders
- Creating new and innovative strategies to deal with rapid change by assessing the environment, synthesizing strategies and plans, ensuring organizational direction and alignment, generating excitement in the workforce, and celebrating new ideas
- Thinking and acting to instill a culture of continuous improvement; moving the organization forward through consistent examination of methods and integration of new and innovative business trends
- Demonstrating high interpersonal competence and educating yourself on fundamental concepts such as self-awareness, judgment, emotions, power, resistance to change, and trust.

Management dimensions that contribute to this core content area are:

- Sharing, supporting, and advocating the organization's mission and vision by developing and communicating the vision to staff and others
- Creating an environment through coaching that encourages others to address complex problems using a strategic approach
- Providing resources and training to support creative innovation and problem-solving and seeking opportunities for improvement as well as new initiatives.

7. STRATEGIC PLANNING

Developing a plan of action that brings the community together, provides clarity of purpose and priorities, and guides the organization's actions in achieving its goals and objectives

Leadership dimensions that contribute to this core content area are:

- Ensuring the organization is focused on the core mission, plans are implemented, and resources are available to achieve the plan's goals and objectives.
- Ensuring that the social responsibility of the organization is well understood and forms part of the planning process
- Making sure the plan ties all parts of the organization together and that everyone sees themselves in the plan and is invested in the plan
- Making sure that the planning process is highly participative, involves all levels of the organization, has strong support from the elected officials and the community, and coalesces everyone around the plan
- Building an integrated planning system that begins with the community and flows to corporate, operational, and individual plans. Plan examples include short- and long-term financial, human resource and workforce, enterprise-wide technology, capital improvement and asset management, and community.

Management dimensions that contribute to this core content area are:

- Carrying out the planning process incorporating the needs of all stakeholders, including input from the community, elected officials, and staff
- Completing an environmental scan and assessment of organizational strengths, weaknesses, opportunities, and threats including major economic, social, and competitive factors
- Developing a vision and mission for the organization that are aspirational and reflect the organization's social responsibility
- Ensuring that organizational values are incorporated into strategy and plans at all levels
- Determining goals and key strategic objectives and indicators
- Completing a strategic planning document
- Implementing the strategic plan
- Assessing the results of the planning effort through data collection and measurement and benchmarking of performance
- Ensuring necessary improvements to processes and systems so that attainment of goals and objectives is possible.

8. POLICY FACILITATION AND IMPLEMENTATION

Engaging with elected officials and other community stakeholders to create and execute policies that achieve common goals and objectives

Leadership dimensions that contribute to this core content area are:

- Assessing the environment to determine the best approach or style for championing a project to success
- Maintaining perspective and focus on both short- and long-term outcomes
- Listening to identify core interests and build cooperation and consensus among and within diverse groups
- Helping diverse groups identify common goals and act effectively to achieve them
- Energizing a group: acting as a stimulus for group action
- Demonstrating courage and taking responsibility for advancing the policy discussion
- Knowing when to lead others and when to follow the lead of others
- Accepting and implementing elected officials' decisions that run counter to your recommendations
- Being politically savvy: recognizing and navigating relationships to influence and achieve positive results
- Understanding the political environment and the impact of decision making on diverse groups.

Management dimensions that contribute to this core content area are:

- Helping elected officials develop a policy agenda that can be implemented effectively and that serves the best interests of the community
- Understanding the policy cycle, including problem definition, data gathering, development and analysis of alternatives, and ranking and recommendations
- Communicating sound information and recommendations
- Developing fact sheets, issue briefs, and other materials to provide information to decision makers and other stakeholders
- Respecting the role and authority relationships between elected and appointed officials
- Recognizing interdependent relationships and multiple causes of community issues
- Anticipating the consequences of policy decisions and their link to strategy
- Acting as a neutral party in the resolution of policy disputes; using mediation and negotiation techniques
- Identifying core initiatives, long-term trends, and policy issues to support and enhance the success of local government
- Participating in national, state, provincial, regional, and local policy discussions.

9. COMMUNITY AND RESIDENT SERVICE

Discerning community needs and providing responsive, equitable services

Leadership dimensions that contribute to this core content area are:

- Convening, encouraging, and ensuring that all facets of the community are represented and have physical or technological access to engage in and be informed about community discussions and issues
- Celebrating participation and engagement of the community
- Building a culture of transparency throughout the organization
- Making difficult funding recommendations and building consensus when needed, taking service equity into consideration
- Understanding that different approaches are needed to account for different needs.

Management dimensions that contribute to this core content area are:

- Adopting a variety of data collection methods to determine community and resident needs and to inform decision making
- Using technology to build an open and engaging relationship between residents and their government
- Employing various communication methods, including social media, to ensure transparency and to tell the story of local government services and performance
- Providing complete, accurate, and timely information.

10. SERVICE DELIVERY

Understanding the basic principles of service delivery, using strategic decision making and continuous improvement to serve the organization and community, and influencing the components and relationships between operational areas

Leadership dimensions that contribute to this core content area are:

- Championing and supporting comprehensive plans and quality standards for service delivery and efficiency
- Anticipating the probability and impact of external influences on the organization, community, and individual service levels; initiating change to harness positive impacts and mitigate negative impacts
- Identifying strategic decisions required to pivot current resources and policies to achieve a desired future state
- Holding managers and staff accountable for measuring performance, using data to improve services, sharing data with other communities, and using data to communicate with constituents and tell a story
- Building a culture that values high performance and continuous improvement.

Management dimensions that contribute to this core content area are:

- Understanding the basic principles of service delivery in functional areas
- Systems planning: Understanding the processes by which functional and operational systems can impact the ability to grow jobs and improve the economy, to control cost of government, and to improve quality of life; recognizing that systems are interrelated and interdependent and must work in a coordinated fashion in order to maintain long-term community vitality
- Asking the right questions of functional experts to ascertain service delivery needs and corresponding solutions
- Understanding the roles and responsibilities of all levels of management and aligning those with the broader mission and vision of the organization
- Identifying the interconnectivity within the organization and with other levels of government—horizontal integration and collaboration—to create opportunities to improve service or efficiency
- Identifying, gathering, and reporting performance measures in a manner that is meaningful, understandable, and efficient; using data to lead and manage the organization and deliver results.

11. TECHNOLOGICAL LITERACY

Demonstrating an understanding of information technology and ensuring that it is incorporated appropriately in service delivery, information sharing, and public access

Leadership dimensions that contribute to this core content area are:

- Remaining future oriented to anticipate how new developments in technology can be applied to local government
- Being a change agent, role model, and advocate for technology innovation that improves the organization and community
- Engaging the users of technology in decision making about the tools they use to serve the community and accomplish tasks
- Sharing data and technology with other communities to improve delivery of service and, ultimately, quality of life.

Management dimensions that contribute to this core content area are:

- Identifying the organization's technology needs and devising strategic plans to meet those needs
- Managing technology resources to maintain up-to-date systems, software, and infrastructure; establishing a business continuity plan
- Ensuring security of information technology systems
- Continually exploring work process and process improvements; automating only effective processes.

12. FINANCIAL MANAGEMENT AND BUDGETING

Implementing long-term financial analysis and planning that integrates strategic planning and reflects a community's values and priorities; preparing and administering the budget

Leadership dimensions that contribute to this core content area are:

- Supporting transparency in financial planning and budget development by involving the community to identify goals and prioritize spending
- Building financial resiliency by analyzing risk, anticipating future trends and challenges, and planning for the unexpected
- Using the budget to tell a story and as a vehicle to connect with and inform the community
- Understanding the community and governing body's priorities and advancing them through the budget and short- and long-term financial planning and management
- Communicating and working collaboratively with departments and stakeholders throughout the budget process and through ongoing financial management
- Ensuring the governing body is well informed about its fiduciary responsibilities.

Management dimensions that contribute to this core content area are:

- Implementing short- and long-term financial analysis and planning
- Preparing accurate and understandable capital and operating budgets
- Providing information for effective budget and financial planning decisions by elected officials and other stakeholders
- Administering the adopted budget and ensuring accountability for spending
- Taking responsibility for preventing fraud in the system
- Engaging in strategic planning to direct the development of goals and the budget document
- Engaging employees across the organization in strategic planning, budget development, and ongoing budget management
- Measuring performance and assessing the results of spending
- Understanding investments and best practices of government finance officers
- Interpreting financial information to assess the short- and long-term fiscal condition of the community, determine the cost-effectiveness of programs, and compare alternative strategies.

13. HUMAN RESOURCES MANAGEMENT AND WORKFORCE ENGAGEMENT

Ensuring that the policies and procedures of the organization are applied consistently and fairly, and motivating and engaging the workforce to its highest potential

Leadership dimensions that contribute to this core content area are:

- Encouraging each employee to be focused on personal growth; proactively providing professional and leadership development opportunities for staff
- Modeling the organization's values
- Building a culture of trust and inclusiveness in which employees understand the big picture and how their positions fit within it
- Ensuring that hiring practices are open and transparent and that diversity goals are acted upon
- Actively engaging employees in the development of a high-performance organization
- Forecasting the needs of the workforce and institutionalizing succession planning.

Management dimensions that contribute to this core content area are:

- Understanding the organization's policies and procedures, making sure that they remain current, and ensuring that they are applied consistently
- Understanding the collective bargaining process
- Keeping current on trends in human resources management
- Understanding employee and employer rights and responsibilities and applicable laws and regulations
- Providing for continuous education and improvement, including coaching, mentoring, and access to professional and leadership development
- Recruiting, retaining, and developing a talented workforce
- Aligning the organization's human capital with the strategic objectives of the governing body.

14. COMMUNICATION AND INFORMATION SHARING

Effectively facilitating the flow of ideas, information, and understanding

Leadership dimensions that contribute to this core content area are:

- Articulating personal support for policies, programs, or ideas that advance organizational and community objectives
- Practicing emotional intelligence, including understanding and managing your own and others' emotions and harnessing emotions to apply them to tasks like thinking and problem solving
- Using verbal and nonverbal communication and cues to inspire and motivate
- Effectively communicating with elected officials
- Maintaining poise and composure while presenting in emotionally charged and crisis situations
- Understanding your environment; knowing when to engage and when not to engage
- Building a culture of transparency in the organization that facilitates effective information sharing across the entire organization and community
- Strategically supplementing the organization's communication tools to provide the most effective outreach opportunities.

Management dimensions that contribute to this core content area are:

- Clearly and articulately conveying a message to diverse audiences who have different levels of understanding of the content
- Selecting the most effective communication methods and using interesting and compelling tools to share information, including story telling
- Communicating and sharing information respectfully, credibly, and confidently
- Communicating complex material in a nontechnical way

- Anticipating things that can go wrong and preparing accordingly
- Demonstrating a solid grasp of the subject matter
- Understanding, appreciating, and interacting with persons from cultures or belief systems other than one's own
- Providing accurate information in a timely manner
- Training staff on how to appropriately and effectively communicate with various stakeholders, including traditional and social media, with one message and one voice, and in compliance with community protocols
- Preparing a crisis communication protocol
- Establishing positive working relationships with the media and other key information-sharing outlets
- Understanding and training staff on the importance of appropriate compliance with public records requests.



Cheryl Davila
Councilmember
District 2

CONSENT CALENDAR
May 14, 2019

TO: Members of City Council
FROM: Councilmembers Cheryl Davila, Kate Harrison, and Sophie Hahn
Subject: Authorizing Additional Inclement Weather Shelter at Old City Hall from April 15, 2019-June 30, 2019

RECOMMENDATION

1. Authorize the City Manager to maintain open an as-needed inclement weather shelter from April 15, 2019 - June 30, 2019, to provide safe, indoor locations for our unhoused community during inclement weather, including changing the cold temperature to below 45 degrees, rain, and add extreme heat and atmospheric pollution such as smoke.
2. Approving the allocation of \$60,000 in funding for this inclement weather shelter with funds from the budget appropriations for an expanded Emergency Shelter program or by State Homeless Emergency Aid Program (HEAP) funding.
3. Authorizing the City Manager to amend Contract No. 10577B with Dorothy Day House for the current operation of the as-needed inclement weather shelter, that will include this extension through June 30, 2019, and possible program expansion in order to increase number of unhoused people served.

FINANCIAL IMPLICATIONS

The City Council on June 26, 2018, by adoption of the FY 2019 Mid-Biennial Budget Update approved \$400,000 General Funds for an expanded Emergency Shelter program. Funding for the additional inclement weather shelter will come from this budget allocation or from State Homeless Emergency Aid Program (HEAP) funding. The City of Berkeley is expected to receive over \$3 million in HEAP funding.

BACKGROUND

Dorothy Day House (DDH) has operated the Berkeley Emergency Storm Shelter (BESS) for fifteen years. Up until FY17, DDH operated BESS as an overnight shelter on a first-come, first-served basis for up to 45 nights for a maximum capacity of 65 people each night. The BESS would open if rain or temperatures at or below 40 degrees were expected overnight. For the past several years, DDH had operated the BESS at different faith based and City of Berkeley owned sites.

At its October 31, 2017, meeting the City Council extended resolutions passed on January 19, 2016

and November 15, 2016, declaring a homeless shelter crisis in Berkeley through January 19, 2020. The extension authorizes the City Manager to allow homeless people to occupy designated City facilities as shelters during the period of the crisis.

In recognition of the homeless shelter crisis, and the growing number of unhoused persons in the City of Berkeley, the City Council in November 2018 directed the City Manager to utilize unused Old City Hall for uses that included emergency shelter. At its March 12, 2019, the City Council allocated funds totaling \$60,000 for BESS at 2134 MLK, Old City Hall under license with DDH.

While the City Manager currently is authorized to operate a nightly Emergency Shelter, through April 15, 2019, direction is needed from Council regarding to continuation of shelter services at Old City Hall through June 30, 2019.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

CONTACT PERSON

Cheryl Davila
Councilmember District 2
510.981.7120

RESOLUTION NO. XXXX

FY19 EXPANDED EMERGENCY SHELTER: ADDITIONAL ALLOCATION OF FUNDING AND AUTHORIZATION OF CONTRACT AMENDMENT WITH DOROTHY DAY HOUSE FOR INCLEMENT WEATHER SHELTER OPERATIONS AT OLD CITY HALL

WHEREAS, the City of Berkeley is committed to providing a humane response to addressing homelessness; and

WHEREAS, on June 26, 2018, City Council allocated \$400,000 to Expanded Emergency Shelter Program efforts in FY19, which included funding for Dorothy Day House and for other costs incurred by City staff; and

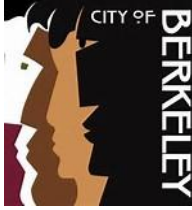
WHEREAS, total spending on the Expanded Emergency Shelter Program so far exceeds the current \$60,000 allocation to Dorothy Day House to operate the Old City Hall (2134 MLK) shelter and for other costs incurred by the City and necessary to continue shelter operations; and

WHEREAS, the existing budget will fund shelter operations only through April 15, 2019, and \$60,000 is needed to extend the shelter through June 30, 2019; and

WHEREAS, \$60,000 in additional funds are needed to add to the original allocation of \$60,000 to provide expanded inclement weather shelter through June 30, 2019 and will be brought into the budget in the second Appropriations Ordinance; and

WHEREAS, Dorothy Day House has an existing contract (Contract No. 010577D) with the City of Berkeley totaling \$639,648 for both winter shelter and homeless breakfast services;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council authorizes the City Manager or her designee to execute an amendment to Contract No. 10577E with Dorothy Day House to add \$60,000 to extend the operation of the Berkeley Emergency Storm Shelter (BESS) through June 30, 2019, for a total contract amount not to exceed \$60,000. A record copy of said agreement is on file with the City Clerk.



Councilmember
Cheryl Davila
District 2

CONSENT CALENDAR
May 14, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmember Cheryl Davila
Subject: Budget Referral: Remediation of Lawn Bowling, North Green and Santa Fe Right-of-Way, FY2020-2021

RECOMMENDATION

Refer to the FY20 (2020/2021) RRV Budget Process for consideration of at least \$150,000 and up to remediate the Lawn Bowlers, North Green and Santa Fe Right-of-Way in advance of Request for Proposal (RFP) for these areas that potentially could provide much needed affordable alternative housing.

Refer to the Homeless Services Panel of Experts to consider Measure P funds for remediation purposes for these properties.

FISCAL IMPACTS OF RECOMMENDATION

Costs of remediation are estimated to range from \$150,000- \$TBD.

BACKGROUND

The City Attorney advised that in order to put a RFP out for the Lawn Bowler's and the North Green properties that remediation must be completed by the City first. Funding the currently needed reclamation is critical to preservation of these valuable City of Berkeley land assets and preventing further deterioration which would result in greater future costs of remediation.

Phase 1 and Phase 2 analysis was completed approximately four years ago. This item is seeking to confirm provision of either the General Fund or Measure P funds required to restore these areas which could provide an opportunity to create affordable tiny homes communities with gardens for the entire community.

RATIONALE FOR RECOMMENDATION

Remediation of these green spaces is in keeping with Berkeley's commitment of creating equitable housing opportunities for Berkeley residents. These properties would be ideal to create tiny home communities with food forests and gardens.

FINANCIAL IMPLICATIONS

Depending on assessment of the level of remediation required, costs are estimated to range from \$150,000 – \$TBD.

ENVIRONMENTAL SUSTAINABILITY

Preservation of green spaces through remediation adds significantly to the environmental quality of life in Berkeley and operates to offset impacts of greenhouse gases affecting the overall environment.

CONTACT PERSON

Councilmember Cheryl Davila 510.981.7120



Cheryl Davila
Councilmember
District 2

CONSENT CALENDAR
May 14, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmember Cheryl Davila
Subject: Opposition to Revision of Title IX Sexual Harassment and Assault Regulations Proposed by U.S. Department of Education, Secretary Betsy DeVos

RECOMMENDATION

Adopt a resolution opposing the proposed revisions of Title IX regulations on gender and sex-based discrimination as proposed by Secretary DeVos of the United States Department of Education.

FINANCIAL IMPLICATIONS

None.

CURRENT SITUATION AND ITS EFFECTS

Current Title IX regulations pertaining to gender and sex-based discrimination provide greater protections to victims than the proposed new regulations offered by U.S. Department of Education. The effect of imposing higher standards of proof while reducing the protections now afforded to victims at institutions of higher learning such as the University of California, Berkeley will be detrimental to students and their communities locally in Berkeley, and nationwide.

BACKGROUND

In November 2018, U.S. Department of Education released proposed revisions to Title IX regulations that would roll back longstanding civil rights protections that are currently available by substantially reducing schools' obligation to respond to claims of sexual assault and harassment, which are forms of sex discrimination. The proposed rules limit what constitutes harassment to a narrower definition, namely "unwelcome conduct that is severe, pervasive and objectively offensive." It even forbids schools from investigating complaints that do not meet this exceedingly high standard. Therefore, a school could not investigate a threat of rape (severe, but not pervasive), or repeated harassment (pervasive, but not severe). Under the proposed regulations, schools can also require that sexual assault and harassment be proven by "clear and convincing evidence," a

higher standard than is generally used in civil cases. Moreover, the regulations also require live cross-examination in sexual harassment proceedings that could deter victims from coming forward and introduces potential economic disparity to the process in that one party may have more means to hire a skilled attorney, placing him/her at an advantage. The regulations change the confidentiality rules in ways that also may chill victims' willingness to report offenders.

ENVIRONMENTAL IMPACT

None.

CONTACT PERSON

Councilmember Cheryl Davila

510.981.7120

Link to Proposed Regulations:

<https://www.ed.gov/news/press-releases/secretary-devos-proposed-title-ix-rule-provides-clarity-schools-support-survivors-and-due-process-rights-all>

RESOLUTION NO. XXXX

Opposition to Revision of Title IX Sexual Harassment and Assault Regulations Proposed by U.S. Department of Education, Secretary Betsy DeVos

WHEREAS, the City of Berkeley (City) prohibits harassment on the basis of sex, race, age, religion, color, national origin, ancestry, physical disability, mental disability, medical condition (associated with cancer, a history of cancer, or genetic characteristics), HIV/AIDS status, genetic information, marital status, pregnancy, sexual orientation, gender, gender identity, gender expression, military and veteran status, and any other classifications protected by state or federal law; and

WHEREAS, all City employees are guaranteed the right to a work place free of hostility and intimidation based on any of the above-referenced protected classifications; and

WHEREAS, the City will neither tolerate nor condone harassment of employees by managers, supervisors, co-workers, elected/appointed officials, or persons with whom the City has a business, service, or professional relationship; and

WHEREAS, any employee, applicant, elected/appointed official, contract worker, intern or volunteer, who believes he or she has been harassed or retaliated against in violation of this policy are encouraged to promptly report the incident and the individuals involved, because complaints of harassment, and retaliation are most effectively addressed at the earliest possible stage, the City of Berkeley encourages early reporting of concerns or complaints along with thorough unbiased investigation; and

WHEREAS, the U.S. Department of Education has proposed revision to Title IX regulations pertaining to gender and sex-based discrimination that are antithetical to the City's policies and approach to such discriminatory behavior; and

WHEREAS, the proposed revisions narrow the definitions of such discriminatory behavior at institutions of higher learning that will tend to weaken enforceability of the protections from sexual harassment and assault, and

WHEREAS, revisions that reduce confidentiality of victim's reports, require cross-examination and a higher burden of proof that has the likely potential to deter reporting by victims;

BE IT NOW, RESOLVED, that the Berkeley Mayor and City Council are on record as opposing the implementation of the U.S. Department of Education's proposed revisions to Title IX gender and sex-based discrimination protections which are currently in effect and which offer greater protections to victims of sexual harassment, discrimination and assault than the proposed regulations would provide.

**SOPHIE HAHN**

Berkeley City Council, District 5
 2180 Milvia Street, 5th Floor
 Berkeley, CA 94704
 (510) 981-7150
 shahn@cityofberkeley.info

CONSENT CALENDAR

May 14, 2019

To: Honorable Mayor and Members of the City Council
 From: Councilmember Sophie Hahn
 Subject: Supporting the timely implementation of the Buy Clean California Act and reaffirming the City of Berkeley's commitment to reducing embodied energy in building materials

RECOMMENDATION

Adopt a resolution supporting the timely implementation of the Buy Clean California Act (AB 262), and reaffirming the City of Berkeley's commitment to reducing embodied energy in building materials. Send copies of the resolution to Assemblymember Buffy Wicks, State Senator Nancy Skinner, Governor Gavin Newsom, and senior leadership at the California Department of General Services.

SUMMARY STATEMENT

In 2017, the State legislature passed AB 262 which requires State agencies to purchase construction materials (such as structural steel, carbon steel rebar, mineral wool board insulation, and flat glass) from manufacturers that have invested in cutting their greenhouse gas emissions. Emissions (and other impacts) are disclosed through an Environmental Product Declaration (EPD) which is similar to a "nutrition label" and provides information on the amount of greenhouse gas emissions that the manufacturer creates during production and transport. Though the Buy Clean California Act was signed into law in 2017, the Sierra Club has expressed concern that the act will not be fully implemented, due to outside pressure on the Department of General Services, the state agency charged with implementing the act.

The City of Berkeley adopted an ambitious Climate Action Plan in 2009, and to achieve its goals,¹ Berkeley has committed to reducing its greenhouse gas (GHG) emissions through a variety of measures, including a reduction in the amount of energy consumed by buildings. A major element of a building's energy consumption is its embodied energy, the non-renewable energy consumed in the acquisition of raw materials, their processing, manufacturing and transportation to the site, and during construction.

Berkeley has also adopted a number of plans and policies dedicated to fighting climate change and improve the energy efficiency and sustainability of buildings, including the Berkeley Resilience Strategy (2016), the Berkeley Deep Green Building Initiative (2017) and other extensive green building standards², and a Climate Emergency Declaration (2018). Berkeley's

¹ Berkeley Climate Action. Office of Energy and Sustainable Development. [Web](#).

² Green Building Requirements. Office of Energy and Sustainable Development. [Web](#).

Deep Green Building Initiative, adopted unanimously by the Berkeley City Council in February 2017, referred to the City Manager and Energy Commission to develop policies and programs to improve the energy efficiency and sustainability of buildings.

By joining other California cities in supporting full implementation of the Buy Clean California Act, Berkeley can urge the State to address supply chain emissions, and reaffirm its commitment to reducing embodied energy in building materials, particularly those used in public projects. Full implementation of the Buy Clean Act will also serve as “proof of concept” for strategies to reduce embodied energy, which cities like Berkeley can look to in developing local standards to ensure that building materials used in local projects minimize embodied energy and GHG emissions.

BACKGROUND

In addition to the energy buildings consume on an ongoing basis for electricity, water and other utilities, significant energy is “embodied” in building materials themselves. Embodied energy is defined as the non-renewable energy consumed in the acquisition of raw materials; their processing, manufacturing and transportation to the site; and during construction.

Many of the strides that the U.S. and Europe have made to reduce emissions over the past decade have failed to account for emissions “exported” to other countries. Steel that used to be manufactured in the U.S. and is now manufactured in China, for example, has an environmental costs when we use it for building in the United States. Nearly 13 percent of China’s emissions and 20 percent of emissions in India are attributable to the production of goods for other countries.³ The energy used to produce building materials in these countries are far more carbon-intensive because their power grids are more reliant on coal, resulting in significant GHG emissions.

Purchasing decisions are among the most effective tools consumers have to influence pollution reduction. State and local governments are consumers who can reduce GHG emissions by spending their money in ways that support environmental goals.

The Buy Clean California Act (AB 262) was passed in 2017, requiring the Department of General Services to establish a Global Warming Potential (GWP) limit for materials frequently used in construction including structural steel, carbon steel rebar, flat glass, and mineral wool board insulation. The bill also requires successful contract bidding companies to submit an Environmental Product Declaration (EPD) providing information on greenhouse gas emissions during manufacture. The Department of General Services (DGS) will publish the maximum acceptable GWP by January 2021, when State-level compliance will be required.⁴ However, there is concern that DGS will not implement the Buy Clean Act promptly and the Sierra Club is asking cities to issue Resolutions in support of the Act’s full implementation.

³ Plumer, Brad. You’ve Heard of Outsourced Jobs, but Outsourced Pollution? It’s Real, and Tough to Tally Up. 4 September, 2018. [Web](#).

⁴ California Assembly Bill 262. Chapter 816. California Legislature. [Web](#).

By committing to implementing the Buy Clean California Act, the State could contribute to a growing chorus to close this so-called “carbon loophole.” The United States is the biggest importer of embodied carbon -- carbon produced throughout the entire life cycle of manufacturing and shipping. Since the steel and cement industries represent 10 percent of global greenhouse gas emission and the biggest sources of embodied carbon worldwide.⁵

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES & LAWS

The City of Richmond, CA, adopted a resolution in 2018 supporting statewide efforts to implement the Buy Clean Act, and simultaneously directed their City Manager to report back on potential early implementation. Their resolution maintains that the Buy Clean Act’s policies “level the playing field for companies that have invested in reducing their environmental impact and encouraging the development of an environmentally friendly manufacturing industry.”⁶

Supporting the implementation of the Buy Clean California Act is closely aligned with Berkeley’s support for other environmental initiatives, in addition to the many plans and policies enacted by the City including the Climate Action Plan, Berkeley Deep Green Buildings, and the Berkeley Resilience Strategy.

The first goal of the Berkeley Climate Action Plan (CAP) relates to reducing the energy consumed by buildings. The CAP also sets a goal of reducing greenhouse gas emissions by 33 percent of 2000 levels by 2020, and 80 percent by 2050.

In addition, Berkeley Deep Green Buildings set out five goals to achieve truly green buildings in Berkeley:

1. Support Zero Net Energy at the individual building and community scale
2. Reduce Embodied Energy in building materials and practices
3. Reduce toxicity in building materials
4. Source sustainably produced materials from fair trade, fair wage and culturally and environmentally sustainable suppliers; and
5. Conserve Water

Berkeley Deep Green Buildings also referred specific Global Warming Potential levels for certain building materials to the City Manager and the Energy Commission as requirements for future building projects.

Finally, the Berkeley Resilience Strategy of April 2016 further recognized the importance of reducing building emissions, reinforcing the need for us to take continuing steps to combat climate change.

⁵ Moran, Daniel; Hasanbeigi, Ali; and Springer, Ceclilia. The Carbon Loophole in Climate Policy. Buyclean.org. August 2018. [Web](#).

⁶ City of Richmond Agenda Report. Proposed Resolution in Support of California Buy Clean Efforts. 10 July, 2018.

ACTIONS/ALTERNATIVES CONSIDERED

Referring adoption of Buy Clean California Act regulations governing embodied energy in building materials and requiring EPDs to be delivered for large contracts for City of Berkeley building projects was also considered. However, it is more appropriate at this time for the City to await and encourage full implementation of such regulations at the state level, so that best practices can be developed by the state, before adopting these regulations at the local level.

CONSULTATION/OUTREACH OVERVIEW & RESULTS

Molly Culton, a conservation organizer for the Sierra Club, provided information on the Sierra Club's support of local resolutions in support of the Buy Clean California Act to reinforce the state's role and keep administrators motivated toward full and timely implementation.

Cate Leger, Chair of the Energy Commission, a green architect and expert on building energy, and primary author of Berkeley Deep Green Building, was also consulted to provide additional background information on Berkeley's policies regarding embodied energy in building materials.

RATIONALE FOR RECOMMENDATION

Berkeley's Climate Action Plan commits the city to reduce the embodied emissions of building materials. As such, supporting the statewide implementation of the Buy Clean California Act is aligned with the Climate Action Plan and numerous other policies adopted by the City of Berkeley.

The Sierra Club has expressed concern that DGS will not implement the Buy Clean California Act in a timely fashion, and is asking California cities and counties to pass resolutions urging full and timely implementation. The City can contribute to the implementation of effective standards by passing a resolution to support the robust implementation of the Buy Clean California Act (AB 262), delivering letters to California Assembly Member Buffy Wicks and California Department of General Services staff.

The City of Berkeley can also reaffirm its commitment to policies to improve the sustainability of buildings and reduce embodied energy in building materials, and to show support for legislation seeking to reduce the environmental costs of building materials and to consider sourcing less impactful alternatives.⁷

IMPLEMENTATION, ADMINISTRATION & ENFORCEMENT

At this time there is no enforcement required, as the resolution is supporting new standards for State-level contracts only.

FISCAL IMPACTS

Staff time to send copies of the resolution to State officials. In the future, if local regulations similar to the Buy Clean Act are adopted after successful implementation by the State, there

⁷ Buy Clean California: Aligning Public Spending with Our Environmental Goals. Sierra Club CA. [Web](#).

may be potential costs or savings associated with additional requirements for sourcing materials from manufacturers, or for buying more sustainably sourced materials.

ENVIRONMENTAL SUSTAINABILITY

This item would fulfill key provisions in the City of Berkeley's Climate Action Plan, Resilience Strategy, and Berkeley Deep Green Building initiative.

CONTACT

Sophie Hahn, District 5, (510) 981-7150

RESOLUTION NO. _____

RESOLUTION SUPPORTING STATE IMPLEMENTATION OF THE
BUY CLEAN CALIFORNIA ACT OF 2017

WHEREAS, the 2018 UN Intergovernmental Panel on Climate Change (IPCC) Report states that we have 12 years to make “massive and unprecedented changes” to global energy infrastructure to limit global warming to moderate levels; and

WHEREAS, immediate action must be taken to reduce greenhouse gas emissions; and

WHEREAS the State of California is a demonstrated leader in the fight against climate change; and

WHEREAS, the State legislature passed the Buy Clean California Act (AB 262) in 2017, the country’s first bill that addresses greenhouse gas emissions within State purchases for public works projects; and

WHEREAS, the bill requires the Department of General Services to establish a Global Warming Potential (GWP) limit for eligible materials such as structural steel, carbon steel rebar, mineral wool board insulation, and flat glass; and

WHEREAS, successful bidders on contracts for public works projects are required to submit an Environmental Product Declaration (EPD), which provides emission information on greenhouse gas emissions that the manufacturer creates during production of eligible materials; and

WHEREAS, a major element of a building’s energy consumption is its Embodied Energy, the non-renewable energy consumed in the acquisition of raw materials; their processing, manufacturing and transportation to the site; and construction; and

WHEREAS, the City of Berkeley has adopted a number of plans and policies dedicated to fighting climate change and improve the energy efficiency and sustainability of buildings, including the Climate Action Plan (2009), the Berkeley Resilience Strategy (2016), the Berkeley Deep Green Building Initiative (2017), and the Climate Emergency Declaration (2018); and

WHEREAS, the Climate Action Plan states that commercial and residential buildings account for nearly half of the City’s emissions; and

WHEREAS, by joining other California cities in supporting full and timely implementation of the Buy Clean California Act, Berkeley can help ensure that the Buy Clean California Act can serve as an example for cities to develop local strategies to reduce embodied energy.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley supports and encourages full and timely implementation of the Buy Clean California Act by the State.

BE IT FURTHER RESOLVED, that the City of Berkeley reaffirms its commitment to reducing the embodied energy of building materials.

Upcoming Workshops – <i>start time is 6:00 p.m. unless otherwise noted</i>	
Scheduled Dates	
May 7	<ol style="list-style-type: none"> 1. Proposed FY 2020 – FY 2021 Budget 2. Bond Disclosure Training
June 18	<ol style="list-style-type: none"> 1. Green Stormwater Infrastructure 2. Arts and Culture Plan
Sept. 17	<ol style="list-style-type: none"> 1. UC Berkeley Student Housing Plan 2. Zero Waste Rate Review 3. Adeline Corridor Plan
Oct. 22	<ol style="list-style-type: none"> 1. Berkeley's 2020 Vision Update 2. Census 2020 Update 3. Short Term Rentals
Nov. 5	<ol style="list-style-type: none"> 1. Transfer Station Feasibility Study 2. Vision Zero Action Plan

Unscheduled Workshops

1. Cannabis Health Considerations

Unscheduled Presentations

1. East Bay Municipal Utility District (presentation by the District, May 28 - tentative)

	City Council Referrals to the Agenda Committee and Unfinished Business for Scheduling
1.	<p>61a. Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley <i>(Referred from the July 24, 2018 agenda)</i> From: Housing Advisory Commission Recommendation: That the City Council not use U1 funds to backfill the Workers' Compensation Fund for the acquisition of the properties located at 1001, 1007, and 1011 University Avenue, and 1925 Ninth Street, City of Berkeley. Financial Implications: See report Contact: Amy Davidson, Commission Secretary, 981-5400</p> <p>61b. Companion Report: Use of U1 Funds for Property Acquisition at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley <i>(Referred from the July 24, 2018 agenda)</i> From: City Manager Recommendation: Accept staff's recommendation to use \$4,730,815 of Measure U1 revenue over a 5 year period (\$946,163 annually) to repay the Workers' Compensation Fund for the acquisition of the properties located at 1001, 1007, and 1011 University Avenue and 1925 Ninth Street, Berkeley. Financial Implications: See report Contact: Dee Williams-Ridley, City Manager, 981-7000</p>
2.	<p>68. Revisions to Ordinance No. 7,521--N.S. in the Berkeley Municipal Code to increase compliance with the city's short-term rental ordinance <i>(Referred from the July 24, 2018 agenda. Agenda Committee to revisit in April 2019.)</i> March 18, 2019 Action: Item to be agendized at future Agenda and Rules Committee Meeting pending scheduling confirmation from City Manager. From: Councilmember Worthington Recommendation: Refer the City Manager to look into adopting revisions to Ordinance No. 7,521--N.S by modeling after the Home-Sharing Ordinance of the City of Santa Monica and the Residential Unit Conversion Ordinance of the City of San Francisco in order to increase compliance with city regulations on short-term rentals of unlicensed properties. Financial Implications: Minimal Contact: Kriss Worthington, Councilmember, District 7, 981-7170</p>
3.	<p>4. Disposition of City-Owned, Former Redevelopment Agency Properties at 1631 Fifth Street and 1654 Fifth Street <i>(Referred from the September 25, 2018 agenda)</i> From: City Manager Recommendation: 1. Adopt first reading of an Ordinance authorizing the sale of two City-owned, former Redevelopment Agency properties at 1631 Fifth Street and 1654 Fifth Street at market rate and deposit the proceeds in the City's Housing Trust Fund (HTF). 2. Direct the City Manager to issue a Request for Proposals to select a real estate broker to manage the sale. Financial Implications: See report Contact: Kelly Wallace, Housing and Community Services, 981-5400</p>
4.	<p>26. Berkeley Economic Dashboards <i>(Referred from the March 26, 2019 agenda)</i> From: City Manager Contact: Jordan Klein, Economic Development, 981-7530</p>

5. **17. Short-term referral to City Manager and budget referral for creation of a “vehicle dweller program” in Berkeley** *(Referred from the April 2, 2019 agenda.)*

From: Councilmember Davila

Recommendation: Create a comprehensive program to support those living in their vehicles, including but not limited to RVs, to stay in Berkeley without fear of being criminalized, harassed, displaced, fined or having their vehicles confiscated, and with the support needed to have minimal impact on the neighborhoods in which they reside. The program could include: -Issuing 3-6 month permits for vehicles in running order with an option to renew if no validated complaints have been filed. -Creating a registration process that identifies any additional support needed. -Specifying a consistent, clear and transparent process for investigating complaints to determine validity and issuing warnings. -Distributing permits equally across all parking permit districts and identifying any restrictions on parking (i.e. near schools given bus access, etc.). -Creating an affordable sliding scale permit structure based on size of vehicle, weight, number of wheels, etc. -Providing pump-out services, waste disposal and social services as needed. -Creating a pump-out station for use by RVs within the City of Berkeley. - Creating a program for up to \$3,000 per a vehicle for mechanical and sanitation repairs as well as registration and offering a grace period to get vehicles into compliance for a permit. -Piloting a Safe Parking program modeled after Oakland’s pilot: 4-8 sites with 6-10 vehicles parked at business, school, community or faith-based site parking lots, including support and sanitation services.

Vehicles with permits are exempt from Berkeley Municipal Code (BMC) Chapter 12.76 and BMC Section 14.40.120.

Financial Implications: See report

Contact: Cheryl Davila, Councilmember, District 2, 981-7120

CITY CLERK DEPARTMENT				
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL				
Address	Board/ Commission	Appeal Period Ends	Determination on Appeal Submitted	Public Hearing
NOD – Notices of Decision				
Public Hearings Scheduled				
2700 Tenth St (Pardee Parking Lot)	ZAB			4/30/2019
1444 Fifth St (construct four single-family dwellings)	ZAB			5/14/2019
Remanded to ZAB or LPC				
1155-73 Hearst Ave (develop two parcels) 90-Day Deadline: May 19, 2019	ZAB			
2701 Shattuck Ave (construct 5-story mixed-use building) 90-Day Deadline: June 30, 2019	ZAB			
Notes				

Last Updated: 4/25/19